









HISTORY

OF THE

Restoration of the Catholic Hierarchy

IN ENGLAND.

BY THE

RIGHT REV. BISHOP ULLATHORNE.

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## PREFACE.

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TWENTY years have passed since the Catholic Hierarchy was restored in England; and though that act of spiritual authority was not intended to reach beyond the Catholic population, it was met with an outcry and with a revival of penal legislation that fixed upon it the attention of the civilised world, and gave to it a position of importance in the annals of our country, whenever the due time should come for allowing its real value to be estimated. The long train of circumstances that brought about the establishment of that Hierarchy has never been understood; nor has the history of the negotiations with the Holy See, that brought it into existence, been hitherto given to the light of open day. But the time for publishing its history has come; and unless it be done now, it can never be written with the same authentic characters. For of the three chief actors on the part of the English Catholics, two have gone to their rest; and the writer of this narrative, the chief negotiator in bringing the plan to its conclu-

sion, alone remains. With him was associated the late Bishop Grant, then Rector of the English College at Rome, and agent to the English Vicars-Apostolic. At an earlier period Dr. Grant had been the secretary of Cardinal Acton, and his learning and thorough experience in the methods of conducting ecclesiastical affairs in the Roman Congregations rendered his services as valuable as they were efficient. Cardinal, then Bishop, Wiseman and Bishop Sharples were the Prelates who commenced the negotiations at Rome; but circumstances arose to prevent their being carried farther.

Without some retrospect of the whole chain of similar negotiations, referring to the English Catholic Episcopate, and dating from the time of Queen Elizabeth, it seemed to me that the reader could not be placed at the right point of view for comprehending the real import of those more recent acts, which it is the object of this book to record. It remains for me to specify the sources from which the history of them here given has been drawn. They consist of the official memorials and other documents, which were drawn up by myself in English, and translated into Italian by Dr. Grant; of complete and accurate notes of official conversations, written down by Dr. Grant or myself at the time; and of additional notes and letters of Dr. Grant's, written in 1867, after looking over a sketch of this history which I had sub-



mitted to him. Those who were acquainted with the extraordinary force and accuracy of his memory, even in the minutest points, will require no farther guarantee for the correctness of the narrative even in its smallest details. In a letter addressed to me exactly two years ago, he says, 'You have still the copies of all the papers which you presented in 1848, together with notes of your visits to the Cardinals and to Monsignor Barnabo, the secretary, as well as of your admission by a singular privilege to the presence of the full Congregation of Propaganda. I need not say anything of that period beyond endeavouring to express my gratitude for the confidence with which you honoured me during those negotiations, and for the friendship of which we both preserve so many welcome reminiscences.' And in closing his replies to my questions, he writes, 'If you and I were book-makers, we might expand our history into a volume.'

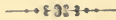
But without being voluminous, there is a way of recording the specific details of a transaction, step by step and day by day, which furnishes internal evidence of authenticity to the narrative. Consistently with this plan, I can scarcely avoid referring to certain persons and their proceedings, that crossed the path of our diplomacy and became as filaments in the thread of the negotiation. And if these are not the most edifying facts of the narrative, they are touched with a light hand, while they tend to show that the

history has been impartially told, and that we stood in need of hierarchical order and canonical rule.

The specific statements given here in their historical order will show that the brief summary of the negotiations, rapidly thrown off in Cardinal Wiseman's celebrated *Appeal to the English People*, is inaccurate, as regards the order of facts as well as the persons to whom he ascribes them. They will likewise show that Sir George Bowyer's *Secret History of the Creation of the Catholic Hierarchy*, in so far as regards the negotiation, is but an explanation of an incident at its close which hastened its promulgation. As Bishop Grant wrote to me on its appearance, 'it confounds the negotiation with the appointment of an Archbishop.' Nevertheless, it is a valuable document, and I have borrowed from its pages an important link in this history.

*March 25th, 1871.*

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# THE CATHOLIC HIERARCHY IN ENGLAND.



## CHAPTER I.

### HISTORICAL ANTECEDENTS.

WHILST sailing on board a French ship on the Pacific Ocean in the year 1839, I drew up the first sketch of a plan for establishing the Catholic Hierarchy in Australia. This sketch was afterwards completed by the guide of my monastic life and studies, the Archbishop of Sydney, then Vicar-Apostolic of Australia; and by authority of Pope Gregory XVI., in the following year the Australian Hierarchy came into existence. The fertile results which quickly followed from the establishment of the normal state of the Church in that distant land inspired me with the earnest desire of seeing the same blessing conferred on the Catholics of England. And on the day of my episcopal consecration, being the very day of the coronation of the present reigning Pontiff, as the three Bishops were placing the mitre on my head, there

arose up in my mind a sense that was indescribably keen of the need in which we stood of recovering our Hierarchy; and with that sense came a desire as keen to labour for its recovery. I soon found that the same thought was occupying the minds of the other Vicars-Apostolic of England, and that events were steadily moving on in the same direction.

Owing to the furious persecution and the severe penal laws against the exercise of the Catholic religion that followed the so-called Reformation, the succession of the old Catholic Bishops ceased at the death of Bishop Watson in 1584. And from that time, from want of local Bishops, the Pope, as supreme Bishop of the Universal Church, of necessity became the immediate ecclesiastical superior of the Catholics of England. And to meet their spiritual needs, he appointed over them his delegates or vicars, who at first were only priests, but later on were of the episcopal order. These were the Vicars-Apostolic, having delegated authority in England, but deriving their episcopal titles from some ancient see in the East, where Christianity had been extirpated by the sword of Mahomet. They had no inherent authority, were removable at will, had no corporate organisation, no local superior, no power of synodal action. Not only their provisional authority, but the very rules by which they guided the churches and the clergy came direct from Rome. We had no authority to provide a special legislation for our local wants, according to the canons, by the light of our local experience. This could only be provided by a local Episcopate or Hierarchy, which involved the necessity of local titles.

Hierarchies had been established in North America and in the British colonies; and in the colonies they were supported by the State, whilst we were still left in our abnormal condition. Among the clergy discontent had for some time been growing with the government by Vicars-Apostolic, and this feeling had reached the laity. The clergy naturally wished to have some representative voice in the nomination of their Bishops; whilst they felt the absolute need of fixed and certain laws to regulate the conditions of authority and obedience on a firm and satisfactory footing. Nor did they less feel the need of precise regulations for the administration of ecclesiastical affairs. On the other hand, the Papal Vicars were harassed with difficulties both great and numerous. They held their delegated authority in a portion of the Church that had recently emerged from a half-concealed condition into the light and freedom of open day. Not merely from conversions, but from the extensive emigration of Catholics from Ireland, the Church was augmenting its numbers. New churches, educational establishments, religious and charitable institutions, were being multiplied to meet the wants of the faithful. The clergy were being increased in proportion. Yet we had no authoritative rules to guide us except the Constitution *Apostolicum Ministerium* of Pope Benedict XIV., dating from the year 1753, and adapted to a state of things that had passed away for ever.

The Vicars-Apostolic might devise expedients, but these had no canonical force or authority. They required a code of rules carrying the weight of synodal

authority, in the drawing up of which the clergy might have their consultative voice. It is not surprising that this state of things led the clergy, and that not unfrequently, to carry appeals to Rome against the acts of their Vicars-Apostolic. And although their Prelates were most frequently found to have acted within their authority as to the substance of their decisions, this did not content the clergy. Unacquainted as they mostly were with the principles and practice of ecclesiastical law, and mainly guided by analogies drawn from the civil constitution of their country, they were not unfrequently impressed with the notion that the Vicars-Apostolic were favoured at their expense. No one indeed who was well acquainted with the spirit of Rome could say this; and sometimes it did occur that a Vicar-Apostolic had committed a grave mistake, which he was required to rectify. For, however soundly learned in theology, the Vicars-Apostolic as a body were not versed in the canon law, and more than their clergy they longed for a fixed rule and a written law to which all parties might appeal with confidence. But both the authority and the machinery of a synod were wanting. There was neither Archbishop to preside, nor suffragans with their theologians to respond to his summons, nor chapters to send their delegates. There was no graduated rank among the clergy, as they complained. Even the Vicars-General, except during a vacancy in the Apostolic-vicariate, were rather nominal than effective coöperators in ecclesiastical administration. The Vicars-Apostolic themselves met annually in London to take common counsel together; but how-



ever useful these assemblies might be, they left each Prelate standing in an authority that was isolated from that of his brethren. It was not like an organised province assembling in hierarchical order, in accordance with canonical forms, aided by the lights of the ablest of its clergy, and drawing out decrees of discipline from the vast code of the ecclesiastical common law, shaped by experience to local requirements, and receiving the stamp of authenticity through a final revision by the Holy See.

Again, although but an accidental motive, the Catholics of England could not be insensible to the reproach, however ungrounded it might be, that we dared not set up a Hierarchy, compelled, as it was supposed we were, to allow the Apostolic descent of the prelates who held the titles of their ancient sees. Their orders, nevertheless, we could not, and did not recognise. Nor could the Catholics lose sight of that other refuge of controversial warfare, of which the Rev. William Palmer may be taken as an exponent, where he says: 'The Romish community had not any Bishops,' because Episcopacy is not essential to Vicars-Apostolic, and because they 'have no ordinary power over the English Romanists, being merely deputies of the Roman Pontiff, who may revoke their commissions at his own will and pleasure.'\* When coadjutor in the Central District, Bishop Wiseman, as he mentions in his *Appeal*, was actually told in a controversial pamphlet that the Bishop of Worcester was his ordinary, and that he must apply to him for

\* Palmer, on the Church, part ii. chap. ii. sec. 9.

license to preach. Although these controversial insults could not enter as motives into a question of such gravity as that of restoring our Hierarchy, they did not diminish the desire of the Catholics to see their chief pastors placed in ordinary authority.

The truth is, that after they had lost their Hierarchy through the policy of Queen Elizabeth, the Catholics of England who stood faithful to the old creed never took cordially to any other mode of ecclesiastical government than that to which their ancestors had been accustomed. They were not like some newly converted race, who had never enjoyed the ordinary form of Church government: driven within themselves by the sharpest penal laws and the bitterest persecution, their human consolation lay in the recollection of the old Catholic glories of their country. Scarcely can we at this day realise the intense desire which animated our forefathers, so many of whom were martyrs or confessors for the faith, to see once more restored to them an English Catholic Episcopate. And the long history of their earnest efforts to accomplish this desire is summed up in these few words of the Apostolic Letters, by which it was finally conceded. The Pontiff says: 'Not only the Vicars-Apostolic with united suffrages have prayed for it, but very many of the clergy, of the laity most distinguished by birth and by their virtues, as well as a vast number of other English Catholics, have most ardently desired it.'

The last Catholic Bishop of the old Hierarchy, as we have said, was Watson, Bishop of Lincoln, who died in 1584, to the deep regret of the Catholics,

deprived henceforth of the Sacrament of Confirmation, and that for a period of forty years, in a time of terrible persecution.\* But four years before Bishop Watson's death there was a movement in England, and a petition to Rome for 'at least one Bishop to fortify the Catholics under persecution, to administer the Sacrament of Confirmation, to consecrate the Holy Oils, and to ordain those candidates for Orders who were in prison for the faith, or who for other causes could not leave the kingdom,' &c. A plea, however, was urged by an antagonistic party, that an administrator who was not a Bishop would be less likely to give offence to Queen Elizabeth, and would less expose the Catholics to the heat of persecution; and in consequence of this representation an Archpriest was appointed in the person of Dr. George Blackwell in the year 1593.

But deep sources of discord lay at the very root of the then ecclesiastical organisation, which was not exclusively in the hands of the Archpriest. The interests of the two orders of clergy came into collision; and even if the Archpriest had possessed complete authority over the whole missionary work of England, he could never have wielded that authority with the strength inherent in a Bishop. Being but the first amongst those of sacerdotal rank, such a man is at an utter disadvantage as a spiritual ruler, compared with one whose authority is lifted up by a higher consecration, and placed in a more elevated

\* For the substance and proof of this part of the narrative, see Canon Tierney's edition of Dodd's *Church History*, vols. iii. iv. v.

order, like that of the Episcopate. The greater experience of missionary life in our own time exhibits the fact beyond all doubt, that so long as the spiritual interests of a country are confided to one of no higher than priestly rank, with whatever authority he may be invested, the mission in that country remains in a feeble condition. Yet no sooner is a Bishop appointed than it begins to flourish. When at Rome in 1837, I was consulted as to whether in sending missionaries to New Caledonia, it would be better to send out an Apostolic Prefect or a Bishop as superior. To which I replied: 'My experience tells me that even if you send but two priests, one of them ought to be a Bishop. For the Episcopate is the generative power of the Church. A priest does not see things with the same eyes, or from the same elevation, or from the same depth of responsibility. He can only employ those who are sent to him; whilst a Bishop creates a clergy proportionate to his wants, and holds that clergy firmly together.'

Troubles grew instead of diminishing under the superintendence of the Archpriest, and the want of the Sacrament of Confirmation to strengthen the Catholics in their much-tried faith was deeply felt. Hence, to use the words of Canon Tierney, 'it was not unnatural that, with these feelings and convictions, a secret wish for the restoration of the ancient hierarchical form of government should have grown up and spread among the general body of the clergy.' Again, therefore, were they resolved to apply to Rome for an episcopal superior. Two priests were delegated to Rome with a petition in the year 1606; but without

success. On the removal of Dr. Blackwell, and the appointment of Dr. Birkhead as Archpriest, the way was again open for petitions from the clergy against the present state of things; and they induced the Archpriest to join them in their efforts to obtain a Bishop. Dr. Smith and the Rev. Thomas More, great-grandson of Sir Thomas More the chancellor and martyr, proceeded to Rome as their delegates. Dr. Worthington, who had been looked upon as less earnest in the cause, raised the spirits of many Catholics by preaching a sermon on St. Thomas's Day 1611, in which, whilst celebrating the praises of the great English martyr of the Church's immunities, he 'lamented much the want of Bishops in our country and clergy.' Whilst in May 1612, the most distinguished leaders of the secular clergy, assembled in their College of Douai for a work of arbitration, drew up a paper in which the Pope was earnestly entreated 'to grant a certain number of Bishops for the English Church.'

The Archpriest himself went to the Holy City accompanied by others of the clergy, there to petition the Pope on this as well as on other subjects. And dying there, he left behind him a memorial, in which he implored the Sovereign Pontiff 'that his successor might be a man attached to the interests of the clergy, and that the jurisdiction conferred on him might be of that more dignified and independent character, which alone could support religion and maintain subordination amongst its members.' For twelve months after his death petitions flowed in to Rome from various sections of the clergy in favour

of an episcopal superior. But there was a policy working at Rome which proved itself stronger than the aspirations of the English secular clergy, and all their hopes were overthrown by the appointment of Dr. Harrison as the third Archpriest in the month of July 1615.

The new Archpriest was deeply affected by the difficulties surrounding his position, and oppressed with the sense of those graver needs of the English Catholics over whom he was placed, but for which he had no powers within the compass of his authority to provide a remedy. He repeatedly petitioned the Holy See for the erection of a bishopric with ordinary power; and finally he took the step of delegating to Rome the Rev. John Bennet, a man who had become illustrious in the course of five-and-twenty years' labour and through his sufferings for the faith, that in Rome itself he might urge and press for the much-desired appointment of a Bishop. And he so far succeeded with Gregory XV., that the Pope referred the question to the Cardinals of the Holy Office. To assist their deliberations, Bennet laid before them a summary of the motives on which the application was grounded. He spoke of the relaxation of discipline and of the dissensions that had arisen. He pointed to those spiritual aids which a Bishop alone can ordinarily apply. He reminded their Eminences of the expenses already incurred in the fruitless endeavours to obtain a canonical superior. He referred to the weariness produced by frequent disappointment. He assured the assembled Cardinals, that unless episcopal authority was now estab-



lished, the French Bishops nearest to England, as they had often threatened to do, would at last interfere to reëstablish order in the English Church.

In that illustrious assembly Cardinal Bandini proved himself the steadfast friend of the cause. He made an earnest and animated appeal, in which he urged the expediency of at once yielding to the prayers of the English clergy. He argued from the Divine institution and the ordinary discipline of the Church to the right of the English Catholics to have the superintendence of Bishops. Deprived of this right, they had not only suffered the loss of an important Sacrament, but the foundation had been left for all the scandals and dissensions that had followed. Under the government of a Bishop, he said, even the Gunpowder Plot might have been prevented. The clergy and people were now united in the demand, that 'a Bishop ought to be granted to the English. Nor ought that clergy, made conspicuous by so many learned and illustrious men, distinguished by so many martyrs, glorious through so many labours undergone, to be dismissed in grief and shame, especially in a cause that Heaven itself, the Divine institution of the Church, and the whole Catholic world approved of.'

The miseries of the English Catholics had now become manifest, and the establishment of episcopal jurisdiction was agreed to be the only means of rescuing their religion from destruction. The decision reached the ears of King James I., who was told it was intended to resume the titles of the ancient sees which the Protestants had taken possession of. This roused the anger of James, who sent for the Spanish

ambassador, and conveyed through him a declaration to Rome, that if such Bishops were appointed, he would pursue them to the death. But that if a Prelate without pretensions of this kind, and intent on his spiritual duties alone, were privately commissioned by the Pope, no objections would be raised, and no notice taken of the appointment. This communication led to the policy of appointing a Vicar-Apostolic rather than a Bishop in ordinary. And in June 1623, Dr. William Bishop was consecrated Bishop of Chalcedon and appointed Vicar-Apostolic, receiving ample faculties, and if not an ordinary, he received the powers that belong to an ordinary. He was succeeded by Bishop Smith in 1625, who passed the latter years of his life in banishment. After his death in 1658 there was a vacancy that lasted thirty years, leaving the Catholics for that long period in a most desolate condition until the year 1688. Then at last, under James II., England was divided into four Vicariates-Apostolic, and the Catholics were spiritually guided by four Apostolic-Vicars of the episcopal order until the year 1840, when the four Vicariates were re-divided and the number of Vicars-Apostolic increased to eight.

Although the English Catholics acquiesced in this state of things, they always sighed for the institution of Bishops in ordinary.\* Mr. Charles Butler tells us in his *Historical Memoirs*; that 'the appointment of Vicars-Apostolic was not, in the first instance, accept-

\* See an article on this subject, by Cardinal Wiseman, in no. lix. of the *Dublin Review*, from which the subsequent proofs are quoted.



able to the general body of the secular clergy. They presented a memorial against the appointment of Dr. Leyburn (as Vicar-Apostolic). Having been desired by James to state the difference between a Bishop in ordinary and a Vicar-Apostolic, they stated in their memorial that, by a Bishop who is an Ordinary is meant one who hath power of his own, or in himself, to govern the flock over which he is set, and whilst he acts accordingly, he is not responsible to any one, or revocable at pleasure.' Then follows the description of a Vicar-Apostolic; after which Butler says: 'Such were the sentiments of the secular clergy. But after the appointment of Vicars-Apostolic was made, they acquiesced in it.'

Persecution continued after the accession of William and Mary, and as late as 1769 one of the Vicars-Apostolic, the Honourable James Talbot, was tried for his life at the Old Bailey for saying Mass. But even in 1739 the learned Dodd, in his *Church History of England*, argues against those who, in 1625, were in favour of a Vicar-Apostolic rather than a Bishop in ordinary. 'The discipline of the Church required that no Bishop should be consecrated without a title; and it being not safe to consecrate a Bishop to any of the sees in England, for fear of exasperating the government, and raising a persecution, it was judged most proper to ordain a Bishop titular of some vacant see among the infidels, and then assign him his power and jurisdiction in England. Though there were ancient sees enough in the nation—as Hexham in Northumberland, afterwards removed to York; and Lindisfarne, removed to Durham; and

Dorchester in Oxfordshire, removed to Lincoln; with many others in several counties—to which a Bishop might have been consecrated safely, and with as little offence to the government, as to Chalcedon; because they were as little known, or mentioned, or even thought of. But this was either not reflected on, or disregarded.' Whatever be the force of these observations, as bearing on the time in question, they tend to prove that to avoid severer persecution was the sole motive for not appointing Bishops with local titles derived from England. And this is proved by the whole course and history of the negotiations with Rome. It is pretty evident also, that the secular clergy of England and the majority of their flocks would have preferred accepting ordinary Bishops and facing the persecution.

It was argued against the Hierarchy on its establishment, that the liberal Catholic Committees and Clubs of the latter part of the last century would never have concurred in obtaining it; yet nothing can be more erroneous than this supposition. For, as Cardinal Wiseman showed in the *Dublin Review*, one of the express objects of the 'Catholic Committee' founded in 1783 was, to use the words of their programme, 'to aid and support in taking such measures as may be effectual to constitute the Vicars-Apostolic with full power of ordinaries.' And in 1787 the same Committee complains that 'they are governed, not by Diocesan Bishops, but by Superiors commissioned by Rome.' And they further complain, that this form of government 'is in direct opposition to the statute of *Præmunire* and Provisors.' And when,

after five years' existence, this Committee formed itself into the 'Cisalpine Club,' it was for the avowed purpose of getting rid of the vicarial government, and substituting ordinary Bishops. Their ulterior object in this being to prevent 'the frequent recurrence to Rome for dispensations, and other ecclesiastical matters,' and 'to make the discipline of their Church to conform as near as possible to the laws of their country.' They based their action on unsound principles, and therefore they were opposed by Dr. Milner and other orthodox writers. But Dr. Milner only vindicated the continuance of Vicars-Apostolic 'because we are in extraordinary circumstances,' and because 'we are only a handful of Catholics.\*' That state of things, however, has passed away since he wrote.

The notions entertained by the 'liberal' Catholics were equally acceptable to British statesmen. They likewise entertained the idea that the spiritual government of Catholics by ordinary Bishops would give us a nearer resemblance to the character of the British Constitution, and would set limits to the action of the Pope in English Catholic affairs. From the days of Mr. Pitt, and even through the better years of Lord John Russell, this view was entertained, and even led to the conclusion among Catholics that the change to ordinary Bishops would not be unacceptable to the State. The chief mover in favour of this change among Protestants was Sir John Cox Hippisley, who held communications both with the Cardinal Antonelli of that day, who was Prefect of the Roman Propaganda,

\* *A Clergyman's Answer to a Layman's Letter*, p. 15.

and with the leading English Catholics. His inquiries proved favourable to the change, and were communicated in a series of letters to Lord Castlereagh. And at the request of the Duke of Portland the worthy baronet communicated the correspondence, printed privately for the purpose, both to that nobleman and to Mr. Pitt.

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## CHAPTER II.

### EPISCOPAL DELIBERATIONS.

ON the 19th of May 1838, Cardinal Fransoni, the Prefect of Propaganda, addressed a letter to Bishop Griffiths, Vicar-Apostolic of the London District, in which he stated that a petition signed by a great number of English Catholics had been presented to Pope Gregory XVI., praying for an increase in the number of Vicars-Apostolic, and a re-division of the four existing districts; also that the clergy might have a voice in the election of those who are promoted to the episcopal dignity; and that they might again have chapters in England, together with their dignitaries. And the Cardinal Prefect requests the Vicars-Apostolic to deliberate on these proposals at their approaching annual reunion, and to report their conclusions to the Propaganda. The four Vicars met at York in June of the same year; they were Bishops Walsh, Baines, Briggs, and Griffiths. As Bishops Walsh and Griffiths had visited Rome the previous

year, they stated what had passed between them and the Roman authorities on this and other questions. Several days were taken up in the discussion of Cardinal Franson's letter; and their deliberations resulted in the drawing up of a series of propositions signed by all of them, and submitted to the Holy See, which they called *Statuta Provisoria*, but which became known as the *Statuta Proposita*.

In this document the Bishops express approval of the proposed increase in the number of Vicars-Apostolic, but for certain reasons they think that for a time it should be delayed. They declare their satisfaction on hearing through the two Prelates who had visited Rome, that the Pope had signified his willingness to give the Catholic Church in England the forms of ordinary episcopal government, whilst they themselves retained the name of Vicars-Apostolic. And that this may have effect, they propose that the Vicars-Apostolic may have faculties as ordinaries. That each district may have one Vicar-General; and Vicars-Foran for such subdivisions as may be deemed expedient. That Archdeacons be appointed with suitable faculties. That there be missionary rectors appointed to churches, as well as assistant priests. That chapters be erected, with not fewer than five or more than twelve canons; whose office it shall be to advise the Vicar-Apostolic whenever he seeks their counsel, to aid him when he has to propose a coadjutor, and on his demise to elect a Vicar-Capitular to govern the district during its vacancy; also to elect three names, to be revised by the remaining Vicars-Apostolic, whenever it be-

comes their duty to recommend a successor in the vicariate to the Holy See.

In calling the proposed statutes *provisional*, the Prelates gave it to be understood that they were intended for a transitional period—a bridge, as it were, to the Hierarchy. The only immediate result of these recommendations was the increase of the Vicars-Apostolic from four to eight, which took place in the year 1840. The *Statuta Proposita* were examined at Rome, and certain modifications of them were there suggested, and they continued for a time to be the object of consideration. But the secret of their existence got out among the clergy, and so reached the laity, both of whom apprehended that this new provision would put off the appointment of ordinary Bishops. Petitions consequently flowed into Rome in favour of the constitution of a Hierarchy, and the *Statuta* fell into the background. Bishop Grant wrote to me in 1857, that ‘Providence saved us from them, as they would have been a long and tedious transition to the Hierarchy.’ Yet the intrinsic value of the *Statuta Proposita* must not be underrated or lost sight of. For with the exception of the appointment of Archdeacons, who have become little more than nominal dignitaries since the Council of Trent, their former offices having passed to the Vicars-General, all the provisions of the *Statuta* were incorporated into our discipline by our first provincial Synod after the Hierarchy was constituted.

The last movement made by the clergy for obtaining the Hierarchy originated with the Rev. Dr. Rock. And his words in reply to my questionings are too



graphic of the time not to be here inserted. 'Long,' he writes, 'had a yearning for such a measure been growing up in the minds of several among the secular clergy of this land; but, for a combination of reasons, none of them would venture on a first step in that direction. For myself it had been the darling wish of my younger days of missionary duty, and often had I secretly smarted among Protestants at the hardly concealed sneer that, while they could name their (so-called) bishops, we outlandish strangers wandered among them like a headless body. Our "Mass-houses" were called even by ourselves "chapels," as we had not, and dared not have, a church with a name as such that any of our Bishops could canonically bear. At last I myself took heart. For several years I had been domestic chaplain to John Earl of Shrewsbury at Alton Towers. I found that the elder among the neighbouring priests thought as I did on the question, but not one of them liked to be the first to move in the matter. It was agreed then, that I should at the next yearly meeting of the Midland clergy begin to moot this point about the Hierarchy. We met at Sedgley Park; and on my suggestion a petition to his Holiness for the restoration of our long-lost Hierarchy was adopted, and a committee of the elder clergy was chosen to draw it up, and forward it to Rome. Bishop Walsh, as usual, presided at our meeting, without giving this proceeding the slightest opposition; but the dear good Bishop never smiled on it. Our petition was forwarded to Propaganda, and there, as far as our first start, the matter ended. In the winter following, the Earl of Shrewsbury wrote to

me, saying, that at Rome, where he and his family were staying, our English business did not find much favour.'

This occurred in the year 1838 or '39. 'In 1840,' continues Dr. Rock, 'I went back again to my own district, that of London, and brought my long-loved hope with me. I soon learned that in London there was a club of priests calling themselves the "Adelphi," who met once every month. I was elected a member, and there was founded the Brotherhood for promoting the restoration of the English Hierarchy. We soon resolved that a circular to all the secular priests should be sent out, calling upon them to unite with us in the good work; and I presume such is the document now in your lordship's hand, and herewith I forward a copy of our first report. Thanks to God I have lived to see this day, when the Catholic Hierarchy of England took its place in a General Council, which so many of us lower clergy worked so hard and untirelessly to bring back again to life.'

The Brotherhood began with six-and-twenty of the principal London clergy. Its first report, printed in May 1843, showed that the brothers enrolled amounted to 120, of whom 57 were of the London, 49 of the Lancashire, and the rest in small numbers belonging to other districts. The Brotherhood presented a petition to the Holy See. The cause was likewise advocated by writers in the *Catholic Magazine*.

At the annual meeting of the Vicars-Apostolic in the spring of 1845, Bishop Griffiths proposed for consideration 'the expediency of petitioning the Holy



See for the restoration of the Hierarchy in so far as the changing the Vicars-Apostolic into titular Bishops of England.' The Prelates who were present agreed in the proposition. They were Bishops Briggs, Griffiths, George Brown, Thomas Brown, Mostyn, Wareing, Wiseman, Baggs, Sharples, and Riddell; Bishop Walsh alone being absent through indisposition. They decided that 'a memorial in conformity with the resolution be sent from the Vicars-Apostolic to the Holy See, in which, whilst proposing the restoration of the Hierarchy by effecting this change, a full statement shall be given of the reasons in favour of the proposition and of the difficulties that stand against it, concluding with an expression of the opinion of the Bishops in favour of its immediate restoration.'\* I am told by a very reverend ecclesiastic, who at this time acted as occasional secretary to Bishop Griffiths, that at a time prior to this proposal the Bishop drew up a well-reasoned paper on the subject in reply to questions put to him by the Cardinal Prefect of Propaganda. And the Bishop of Newport tells me, that one of the influences that led to the petition of the Bishops in 1845 was a memorial addressed to them from several priests in the North.

Thus far I have narrated occurrences that were prior to my own episcopate; but what follows comes within my personal knowledge, except with regard to certain matters, for which I shall refer to my authorities for the statement made.

The yearly episcopal meeting of April 1847, the first

\* Minutes of the episcopal meetings.

at which I assisted, was a very anxious one, and lasted seven days. Certain laymen, whose knowledge and judgment of our affairs were far from equalling their excited zeal, among whom two recent converts were the most conspicuous, made themselves very busy at Rome, lodging complaints against the English Vicars-Apostolic as if deficient in proper zeal and exertion in the cause of religion. They thwarted our efforts at a critical moment for obtaining legal security for our trusts; and succeeded in staying the counsels that ought to have reached us in reply to our questions on this momentous subject, so as to bring us to a complete stand, and that at the very time when we might have gained from Parliament all that we required. Certain foreign ecclesiastics, gaining their earliest experience of the English mission, were also writing off their first crude impressions of the work done by the English Bishops and clergy, of the inaccuracy of which they were only convinced at a later time, and when the mischief was done. To give an instance of this, I well remember how, a little before his death, that admirable missionary, Dr. Gentili, to whom English Catholicity owes so much, spoke to me in the most feeling manner of the utter mistake into which he had been led. Accustomed to the impulsive and demonstrative style of his Italian countrymen, he did not for a long time comprehend the quiet energy and unobtrusive plodding character of Englishmen. He never, he said, had realised the hard, incessant, and anxious labours of our Bishops and clergy until he himself began to give missions; when, on closer acquaintance with their life and work, he deeply re-

gretted that he had given unfavourable impressions by letters to Rome before he really knew the English clergy and the nature of our work. Then there were at this time two priests at Rome who were appealing against their Bishops; others had been there on a similar errand before them; and all these were loud in complaint of the want of fixed rules and certain guidance in the exercise of ecclesiastical authority. Having been myself at Rome in the early period of the year, much of what I have related had there come to my knowledge, and I considered it my duty to make it known to the assembled Bishops.

This state of things was the more distressing, because the unfavourable impressions against the Bishops and their clergy were made at the commencement of a new Pontificate, and no opportunity had been afforded them for giving explanations. They therefore requested the two coadjutors, Bishops Wiseman and Sharples, to proceed to Rome in the name of the whole episcopal body, for the purpose of ascertaining the actual condition of our spiritual affairs in the Holy City, and of feeling their way towards obtaining the restoration of our Hierarchy, as the only effectual means of establishing good order and efficiency in the English portion of the Church.

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## CHAPTER III.

## FIRST NEGOTIATION.

THE two Prelates arrived in Rome in the beginning of July, and ten days afterwards, on the 19th of that month, Bishop Wiseman wrote to his brethren in England the state of things as they had found them. All that I had reported was fully confirmed from what was said by the authorities to the two Prelates. They at once replied to the charge of want of zeal and exertion on the part of the English Bishops and clergy, by a memorial enumerating the number of churches, religious institutions, schools, and other works of religion and piety, built within the last six years. To which they added the number of priests ordained, the progress of the missions, the number of spiritual retreats and other works undertaken for the benefit of souls. His Holiness himself read the document 'attentively and kindly.' And in a conference which the two Bishops had at Propaganda with Monsignor Palma, at which Dr. Grant, then Rector of the English College at Rome and agent for the English Bishops, assisted, it was thought the time was arrived for drawing up a new Constitution for the regulation of the Church in England. In case this proposal should be approved by the Pontiff, the *Apostolicum Ministerium* of Benedict XIV. would have to be revised, and new *Regulæ Missionis* drawn up for the direction of the clergy. When they had audience of the Pope, his Holiness said, amongst many other things, that he

had seen Monsignor Palma since their conference with him, and that he himself had suggested the necessity of a new Constitution to supersede that of Benedict XIV. But other thoughts were occupying the minds of the two delegated Prelates, and in the important letter from which I am extracting, Bishop Wiseman goes on to say :

‘ We have thought much on the subject, and find it full of difficulties. But the principal objection seems this. Another Constitution for England would either perpetuate for many years to come the state of vicariate government, or would have to be only for a limited period, while the study and trouble for it would be as great as for one granting and at once erecting the Hierarchy. In fact, the consideration of the topics required for a new Constitution modifying that of Benedict XIV. would almost necessarily lead to the consideration of the restoration of the Hierarchy, as the simplest way of giving a rule and law concerning them. Moreover, many matters would be better decided by a Provincial Synod, approved by the Holy See, than by their being merely embodied in a Constitution. Under these circumstances we have thought it most expedient, and in accordance with the instructions which we received from the assembled Vicars-Apostolic, to propose this to the consideration of the Holy See; and while we call attention to our *Observanda*, to show the importance, and almost necessity, of taking the consideration of the Hierarchy question in hand. But we should feel naturally strengthened in these views were we to know that our course meets with the approbation of our Right Rev. Brethren;

and this we shall be in time to receive before the next general Congregation of Propaganda.'

I need scarcely add, that this course of proceeding was at once approved by all the English Vicars-Apostolic. But meanwhile the two Prelates found light and aid in an unexpected quarter. Monsignor Barnabo, who has since presided for so long a time as Cardinal Prefect of Propaganda, was then just appointed the pro-secretary to that great Congregation. And in a conference with this able Prelate, after the two Bishops had stated to him the difficulties that beset the Church in England owing to want of a suitable legislation, he replied: 'You will always have these troubles and questions until you obtain a Hierarchy. Ask for it, and I will support your petition.'

'They were taken by surprise,' writes Bishop Grant to me, recalling the circumstance in 1857, 'for they remembered how decided and positive had been the reluctance of the Holy See to entertain the subject of the English Hierarchy. Their surprise would not have been so great, if they had recollected that Gregory XVI. had said that the Hierarchy would have to be granted in certain contingencies, and at the very time that was marked by him the arrangements for its restoration began.' What those contingencies were, to which my dear departed friend the Bishop of Southwark alludes, I am unable to say; but he refers in his letter to a passage in Cardinal Wiseman's *Recollections of the last four Popes*, which is too remarkable to be omitted in this place. Speaking of Gregory XVI., the Cardinal says:



‘ Having been Prefect of Propaganda for so many years, he had become minutely acquainted with every part of the British dominions, both at home and abroad, with its Bishops, its wants, its actual condition and future prospects. A singular instance of his sagacity in this knowledge may be quoted. Not only did he increase, as has been said, the number of Apostolic-Vicariates in England, but spontaneously, without being led to it, he told the writer that the Hierarchy would have to be established here, upon the removal of one obstacle which he specially described and emphatically characterised, and which it was not in his power to deal with. When that should occur, he distinctly remarked, this form of Church government must be introduced into England. In the course of a few years, but after his death, the event to which he had pointed took place, with consequent circumstances which ordinarily he could not have foreseen; and his successor, unapprised of that forethought, almost at once executed what Gregory had intended under similar conditions.’

Acting upon the suggestion of Monsignor Barnabo, the two English coadjutor Bishops drew up a petition to the Sovereign Pontiff, praying for the restoration of our Hierarchy; and Dr. Grant records that ‘his Holiness declined to give any opinion upon the petition until he had offered the Holy Sacrifice three times, and after the first and second Mass he spoke with uncertainty on the subject. After the third Mass, he said, “*Adesso sono tranquillo*,—I am now tranquil on the question.”’ But the Holy See, with its usual caution, began by raising objections. Cardi-

nal Acton had become a steadfast opponent against the concession of a Hierarchy to his native country. That he had not always been so would appear from a note of Cardinal Wiseman's in the fifty-ninth number of the *Dublin Review*, where he says : 'When the reëstablishment of the Hierarchy was entertained in the last Pontificate [that of Gregory XVI.], it was proposed, among others by Cardinal Acton, to take all the new titles from ancient but now suppressed sees. This would have been a plausible but inconvenient arrangement.' It is certain, however, that Cardinal Acton did commit his reasons against granting the Hierarchy to writing. And as Monsignor Barnarbo had inherited his ecclesiastical papers through Cardinal Polidori, he drew out this document from the collection, and presented it to Bishops Wiseman and Sharples, inviting them to reply to its contents. Cardinal Acton had always said to Dr. Grant when he was his secretary, that 'everybody in England, Bishops and regulars, tries for the Hierarchy, in the hope that his own power will become greater thereby; and all will be disappointed in this hope.'

Cardinal Acton was not singular in entertaining these sentiments of opposition to our prayers. I recollect calling on Cardinal Castracane, a member of the Propaganda, in 1848, and to this eminent ecclesiastic, who had shown me special kindness on three previous visits to Rome, dating from 1837, I spoke with familiar confidence on our expectations. But to my surprise, he gravely shook his head and said, 'I do not like this proposed Hierarchy.' 'And why?'



I asked. 'Is Lingard's a truthful history?' he replied by asking. 'Most certainly, in the main,' was the answer. 'Then,' said the Cardinal, 'you have always been a nation inclined to withstand authority. Nevertheless, if the other Cardinals of Propaganda approve of it, I shall vote with them.' To Cardinal Acton's objections the Bishops gave a triumphant reply. His chief argument was this, that if the English Catholics were put in a more independent position by the concession of the Hierarchy, they would be less attracted towards the Holy See; and to this the two Bishops answered, that we were the only nation that had given martyrs, many and illustrious, for the rights and supremacy of the Holy See.

The formal petition for the Hierarchy was drawn up by Bishop Wiseman, and the substance of that document was given to the public by that illustrious Prelate in his *Appeal to the English People*, and is here repeated in his own words, as follows:

'It was observed, that until now the only regulation or code of government possessed by the English Catholics was the Constitution of Pope Benedict XIV., which begins *Apostolicum Ministerium*, and which was issued in 1753, a hundred years ago. Now this Constitution had grown obsolete by the very length of time, and still more by happy change of circumstances. It was based upon the following considerations: 1st, that the Catholics were still under the pressure of heavy penal laws, and enjoyed no liberty of conscience; 2d, that all their colleges for ecclesiastical education were situated abroad; 3d, that the religious orders had no houses in England;

4th, that there was nothing approaching to a parochial division, but that most Catholic places of worship were the private chapels, and their incumbents the chaplains, of noblemen and gentlemen. There are other similar suppositions in that document, full as it is of wisdom, which, thank God! at the present time, appear as simple anachronisms. It was argued, therefore, that virtually this—the only great Constitution existing for Catholic England, part even of which had already been formally repealed by the late Pope—was rather a clog and embarrassment than a guide.

‘The Catholic Church in England had so much expanded and consolidated itself since the Emancipation Act, and its parts had so matured their mutual relations, that it could not be carried on without a full and explicit code. The Bishops, it was urged, found themselves perplexed, and their situation full of difficulty; as they earnestly desired to be guarded from arbitrary decisions by fixed rules, and yet had none provided for them. The uncertainty, also, of position on the part of the clergy, which resulted from this anomalous state, made it still more painful.

‘Such was the case, submitted to the judgment of the Holy See, fully illustrated with practical applications. A remedy was therefore prayed for, and it was suggested that it could only be in one of the two following forms: *either* the Holy See must issue another and full Constitution, which would supply all wants, but which would be necessarily complicated and voluminous, and, as a special provision, would necessarily be temporary; *or*, the real and complete

code of the Church must be at once extended to the Catholic Church in England, so far as compatible with its social position: and this provision would be final.

‘But, in order to adopt this second and more natural expedient, one condition was necessary, and that was—*the Catholics must have a Hierarchy*. The Canon Law is inapplicable under Vicars-Apostolic; and, besides, many points would have to be synodically adjusted, and without a Metropolitan and Suffragans, a Provincial Synod was out of the question. Such was the main and solid ground on which the Hierarchy was humbly solicited by Catholics from the Holy See. . . . Other motives were added, to show the expediency of granting this boon to the English Catholics; as, for example, that it had been granted to Australia, and was about to be granted to other colonies, without complaint from any one; and it looked like a reproach to the mother-country to withhold from it what had been granted to its daughters.’

But before the reply to the various objections raised could be given, the troubles in Italy led to Bishop Wiseman’s being sent to England on a political mission to its Government. He therefore sent his reply from Fano on his way home; whilst Bishop Sharples, who was labouring under the acute malady of which he died, gave his reply at Rome, and soon afterwards was obliged through his illness to return to England. It was now the middle of August 1847, when Bishop Griffiths, of the London District, and Bishop Mostyn, of the Northern District, died within a day of each

other; soon after which, Bishop Wiseman was appointed Pro-Vicar-Apostolic of the London District.

The representations of the two Bishops at Rome had not been fruitless; for in October of the same year a letter was received from Propaganda directing the Vicars-Apostolic to meet as early as possible for the purpose of drawing up a scheme for our proposed Hierarchy, based upon the principle of redistributing the eight vicariates into at least twelve dioceses. On the 11th of September the Bishops met in London, and received an account of their mission to Rome from Bishops Wiseman and Sharples. They then, after two days' deliberation, devised a plan of redistribution into twelve dioceses. But as difficulties were brought forward respecting the division of the London District into the dioceses of London and Southwark, and as other difficulties were raised respecting the dividing of the Lancashire District into two Sees, it was resolved to give the reasons both for and against making these divisions. It was also thought well to ask for the presence of Dr. Grant in England, to have the benefit of his learning and experience in the drawing up of such documents as would probably be required in the further progress of the negotiation. However, he was advised by Monsignor Palma that he would be far more useful remaining in Rome; and, besides, he felt the difficulty of quitting his responsibility as Rector of the Roman College, unless entirely freed from it.

Strange to say, our plan for the distribution of dioceses never reached Rome. During the subsequent negotiation, I had always supposed that it was before

the eyes of the Cardinals ; but on my return, something led me to put the question, and that in presence of the other Bishops, to the Prelate to whom it had been confided to draw it up, and I found it had never been sent. This will explain why we heard nothing more respecting the Hierarchy until our usual yearly meeting of May 1848. To the Bishops then assembled in London Dr. Grant wrote to request that they would either send some competent person to aid him, or to supersede him as episcopal agent, whilst negotiations of such importance were pending. There was much, indeed, to fill the Bishops with solicitude. The Vicariate of the North had become vacant through the death of Bishop Riddell, who became a victim to his charity in Newcastle, whilst labouring amongst the poor sufferers from the malignant fever that spread over the North after the Irish famine. Numbers of the ablest priests of the Lancashire and the Northern Districts had been swept off from the same cause. The coadjutorship of the Central District was also vacant, through the transfer of Bishop Wiseman to London. And it was considered of great importance that the episcopal vacancies should be properly provided for as soon as it was practicable. Then the policy of the Bishops was still counteracted at Rome by men who were listened to in some influential quarters there, though they had no weight at home. And three cases, either of appeal or complaint against Vicars-Apostolic, were being pressed on the attention of the Holy See by as many priests ; having mentioned this fact, it may be as well to add that they all terminated unfavourably for the appellants.

Moved by these and by other considerations, the assembled Prelates thought it most expedient that some priest of standing should be delegated to Rome as extraordinary agent; and at the suggestion of Bishop Wareing, the Rev. Dr. Husenbeth was invited to London, and the office proposed to his acceptance; but on the representation of his state of health, as well as on other personal grounds, he was left free to decline the delegation.

After this failure, the present Bishop of Newport suggested the expediency of sending a Bishop to Rome, and proposed the writer of this narrative; and as all the Bishops united in pressing the onerous duty upon him, he did not think himself justified in declining the responsibility. I was commissioned to present to the Sovereign Pontiff a memorial, signed by all the Bishops, respecting the serious difficulties to which they were exposed through the assiduous misrepresentations of their acts at Rome; to put their conduct in its proper light; to endeavour to obtain early and good appointments to the vacant Vicariates and Coadjutorship; and to press on the affair of the Hierarchy as the remedy for our growing difficulties. I lost no time in departing, passed through the revolutionary scenes that agitated Paris and the rest of France, and arrived in Rome on the 25th of May 1848.

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## CHAPTER IV.

## SECOND NEGOTIATION.

ON the day after my arrival I presented myself to the pious and venerable Cardinal Fransoni, the Prefect of Propaganda. After a courteous welcome, and the expression of his desire to converse face to face on our affairs, we had a long and desultory conversation, during which his Eminence explained the difficulties and uncertainties that had stood in the way of filling up the vacant Vicariates, which he told me had kept back the question of the Hierarchy. On the following day, attended by Dr. Grant, I had an interview with Monsignor Barnabo, the Secretary of Propaganda, who with his wonted energy went straight into the middle of affairs. His first remark explained everything. He said that the consideration of the Hierarchy had been deferred owing to the question as to the proper person for the office of Archbishop. Bishop Wiseman had not been appointed Vicar-Apostolic but Pro-Vicar-Apostolic of the London District, and that was a provisional appointment. It was contemplated to transfer the aged and venerable Bishop Walsh from the Central to the London District, with the view of making him the first Archbishop, and of giving him Bishop Wiseman for his coadjutor; but Bishop Walsh had shrunk from this new and heavy burden, and had entreated the Holy See to let him remain in peace

in his old District. Yet there was a consideration due to the senior Bishops which caused hesitation in placing so young a Prelate as Bishop Wiseman in the office of first Archbishop.

And here I think I penetrate the secret of Gregory XVI.'s mysterious words to Dr. Wiseman, given in the first chapter, and to which Dr. Grant refers, when he says that the condition spoken of by the Pope as requisite before the Hierarchy would be conceded, had come to pass at this very time. The recently-departed Vicar of the London District was a holy and industrious Prelate, most sedulous in his charge, and enjoying the confidence of his clergy. But he had long run in a groove, and wanted that expansion of mind and elasticity of character requisite for taking the leading position in the development and guidance of a new order of things. And Rome was now left free to look out for one possessed of the right qualifications for such an office.

Already had the Pope appointed a special Congregation of seven Cardinals to discuss and settle the English Hierarchy, and Monsignor Barnabo promised to have the Congregation assembled early in June, provided I would at once suggest a plan for filling up the London and Central Districts. Susceptibilities were to be guarded against in the event of placing a younger Bishop in a position implying the future Archbishopric; yet, if possible, Bishop Wiseman was to be placed as coadjutor to Bishop Walsh in the London District, and a successor to be provided for the Central District. The vacant Vicariate of the North was to be treated



as a separate question, independently of the other arrangement.

The solution of these questions was judged to be a necessary preliminary to the consideration of the Hierarchy, because it was thought to be expedient, if not indispensable, that the first process should be to change the existing Vicars into Titulars; so that there should be no break of continuity, but that the persons of the Vicars might be simply transformed into Ordinaries, thereby improving and perfecting their position and increasing their efficiency, without interrupting them in the continuance of their episcopal office.

Monsignor Barnabo stated further, that the plan hitherto entertained had been to leave the English Prelates, after they became Ordinaries, to devise and set forth a plan for subdividing their dioceses into a larger number of sees; but as I had come with full powers on that as on all other matters, he recommended me to prepare a memorial on the subject, to be considered by the Cardinals if they were disposed to entertain it. Promising to prepare these documents as soon as practicable, I briefly described the present disorganised state of things among the English Catholics as a motive for the speedy concession of the Hierarchy. This ended the interview. But in the evening of the same day Dr. Grant accidentally met Monsignor Barnabo, who told him that he had reported what had passed between us to the Cardinal Prefect of Propaganda, who expressed himself much gratified, especially at the prospect of settling the London Vicariate in a satisfactory man-

ner, and had urged him to hasten matters to a conclusion. So I hope, he said, to have the special Congregation assembled in the beginning of June.

After a sifting consultation with Dr. Grant, I drew up two memorials in English, which he translated into Italian. The first of these documents treated the question of providing for vacancies. Bishop Walsh, it said, was a Prelate venerable both for his years and his virtues, respected and beloved by his colleagues, and celebrated for the many and great works that he had achieved for religion in the Central District, during a government of twenty-one years. But his years had brought infirmities which little inclined him to take up a new and heavy burden, and that in a sphere with which he was unfamiliar, and to which he did not feel his powers were equal. It was, in fact, his own desire to obtain permission to retire from his episcopal cares, and to pass his few remaining days in peace and solitude. Yet his very merits, and the long period that he had been their senior Bishop, attracted to him the deference of his episcopal brethren, as well in their assemblies and united acts as in their joint relations with the Holy See. Hence the Bishops would find in his nomination to London, preparatory to a higher dignity, but the continuance and the completion of that authority which they had ever respected in him as their senior Vicar-Apostolic. Thus, likewise, would all susceptibilities be consulted; and those who for so many years had borne with him the heat and burden of the day in cultivating the vineyard of their Master would gratefully recognise their apostolical labours

crowned in his person through the approbation of the Head of the Church.

But it was not to be lost sight of that this venerable Prelate was bowed down with years and infirmities, and was no longer capable either of long public functions or of giving protracted attention to affairs; so that if the Cardinals thought well to recommend his elevation, the necessity would at once arise of giving him a coadjutor; an assistance which he had already had the advantage of since the year 1840.

If, then, their Eminences should determine to recommend this arrangement to the Sovereign Pontiff, it would become necessary to think of a coadjutor, who, after no long time had elapsed, would have to bear the whole responsibility both of the London Diocese and of the Archiepiscopate. After pointing out in detail the peculiar characteristics of the London District, the duties beyond those of other Bishops that fall to its Vicar-Apostolic, and the special requirements demanded in an English Archbishop succeeding to that position, I pointed out Bishop Wiseman, his singular learning and position as a scholar, his enlarged views, the fact that he was already placed in the London Vicariate provisionally, so that it would be a lowering of his position now to remove him, the good work he had already done there in establishing new missions and giving a general impulse to missionary exertion, and the fact that he had already for seven years been coadjutor to Bishop Walsh in the Central District.

But whether Bishop Walsh was left in the Central

District or transferred to London, there would in the one case be a Coadjutor, in the other a new Vicar-Apostolic, required for the Central District. And of the three ecclesiastics whose names were already before the Holy See to choose from, I pointed out the one on whom the recommendations of the Bishops had been concentrated, and to whose merits Bishops Walsh, Wareing, and Wiseman, who knew him intimately from living in the same District, had borne a high testimony.

The second memorial treated on certain questions preliminary to the consideration of a re-division of the Vicariates, after they should be changed into dioceses. It pointed out the foresight which must be exercised with respect to the maintenance of an increased number of Bishops, and the necessity of considering this point in any new division. For even at present some Bishops were living in real poverty, while the greater number had barely what was needful for meeting their unavoidable expenses. The contraction of the dioceses would have the effect of diminishing the individual resources of the Bishops for some time to come. The difficulty of maintenance, at least for some years, would be proportionate to the number of Sees erected, and to the rapidity with which they were filled up.

The second difficulty to be forecast was that which might arise in finding a sufficient number of competent men to fill the new Sees; and the more so, unless time were taken to examine into their qualifications; for our clergy were quite a limited body, many of them were young, others were too advanced

in years; others, again, were not natives of the country. In the last few years a considerable number of Bishops had been made either for England or her colonies; there were other important posts to be kept filled as well as bishoprics; and during the pestilence that had recently prevailed, a number of our most valuable priests had in the exercise of their arduous duties been carried off by death.

On the other hand, there could be no doubt but that the multiplication of centres of episcopal energy would greatly promote and augment the forces of the Church, producing effective administration, and inspiring the clergy in their work, as well as the laity in their pious coöperation. But if a large increase of dioceses were now planned, with the view of gradually filling them up, and leaving certain of them in the interval to be administered by Bishops of adjoining Sees, then those administrators would have to guard themselves against the temptation so natural in itself, of concentrating the resources at their command within their own particular Sees, and so leaving the Sees under administration at a serious disadvantage. Perhaps the best plan might be to make a moderate increase in the number of Sees at present, basing the circumscriptions on the number of Catholics as regards maintenance, and on relative extent as regards effective administration.

The memorial next stated, that as the writer was authorised by all the English Bishops to act in their name, and to terminate all questions pending before the Holy See, as he possessed their joint instructions and their individual sentiments, if the Sacred Con-



gregation thought it desirable, he was prepared to offer a scheme for distributing the Vicariates into an increased number of dioceses. Yet he ventured to recommend this order of proceeding: first, that all existing vacancies should be filled up; secondly, that the Vicars should next be changed into Titulars; thirdly, that after a moderate lapse of time allowed for consolidating the new order of things, the new dioceses, left for that period under administration, should receive their own Bishops. After pressing upon their Eminences' attention the unanimous desire and prayer of the English Catholics of all classes for the inestimable boon of hierarchical government, I concluded this part of the subject with observing, that our troubles were kept alive and fostered by the very state of doubt, uncertainty, and expectation in which we all lived, and that in the Hierarchy we sought the gifts of peace and strength.

Nor, continued the memorialist, did the Vicars-Apostolic overlook the rights and requirements of the second order of the clergy. On the contrary, they were animated with an earnest desire of seeing them share in all those privileges that the peace and well-being of religion and the good order of ecclesiastical discipline permitted and required. In the two last assemblies of the Bishops the position of the clergy had engaged their serious and protracted attention. And it was now submitted to the decision of the Sacred Congregation, whether this subject should be one of the earliest marked for discussion and settlement in the first Provincial Synod. There the clergy would have their consultative voice; there

they would see the spirit with which the Bishops were animated towards them. It would be for their Eminences then to determine, whether the Bishops should first offer a scheme for the consideration of the Holy See, or whether it might be more expedient for the Sacred Congregation to indicate rules and principles to serve as guides to them; or whether the present writer should present to their Eminences the views of the Bishops respecting the future rights and privileges of the clergy.

Such, in their substance, were the two memorials which I presented to Monsignor Barnabo on the 2d of June. He then told me, that from several conversations with the Pope and with certain Cardinals he derived the impression that the plan for placing Bishop Wiseman with Bishop Walsh in London was very welcome, as solving all difficulties. And he further said, that the Pope had desired him to assemble the Congregation as early as possible. I then asked and obtained leave to present a third memorial on the question as to whether the titles of the Bishops should be old titles revived, or new ones. Dr. Grant and myself then visited the Cardinal Prefect, and represented to him the importance of proceeding with expedition. We made the same representation to Cardinal Altieri. Cardinal Frasoni intimated that it would be quite uncanonical and impracticable to unite in the same Bishops the attributes of Vicars-Apostolic with those of Ordinaries, as some one had suggested. They must be either one or the other. But there need be no break of continuity. In fact, Benedict XIV. had declared in the Constitution



*Apostolicum ministerium*, which regulated the authority of the English Vicars-Apostolic, that they had the same power and authority in their districts which Ordinaries have in their respective dioceses, in addition to their specially-delegated powers. And the difference would be, that the power and authority of Ordinaries would become permanent and inherent rights, whilst the specially-delegated powers would continue to be granted as usual by the Holy See.

I had already put in a document at Propaganda on the three names presented for the filling up of the Northern District, stating that the Bishops had fixed their minds upon the Rev. William Hogarth, as a man of energetic character, who had evinced for long years a marked capacity for business, had been Vicar-General to two Bishops in succession, and was the present administrator of the District. And his appointment was justified by his strenuous and successful Episcopate.

I must here introduce an episode of matters that were not without their influence on the progress of our negotiations. Of the two priests carrying on appeals at Rome, one had already received a decision against him. The other had got a preliminary decision unfavourable to his pretensions. And subsequently I was requested by Propaganda to endeavour to reconcile him with his Bishop, or failing that, I was authorised in a formal document to adjudicate his case definitively on my return to England. The third case was one of complaint rather than of formal appeal. A well-known priest, distinguished for ability, and popular from kindness of heart, but utterly unac-

quainted with the requirements of ecclesiastical law, was then at Rome, and against all rule and etiquette he addressed letters to the Pope in person, charging one Prelate of eminent orthodoxy with heresy, and another of as conspicuous gentleness and piety with a course of injustice; a proceeding which awakened deep indignation in the authorities at Rome. It must, however, be mentioned, that at a later period he made all the reparation in his power. But this was not all. In pure kindness, and with the view of proving to him the real sentiments with which the Bishops were animated towards their clergy, I had read to him the passage in my memorial showing their desire to extend the privileges of the Hierarchy to them. Whereupon he addressed a most extraordinary letter to Propaganda, *obtesting* the Sacred Congregation not to grant the state of Ordinaries to the Vicars-Apostolic before the missionary priests had received their rights, 'as was customary before the present generation of Vicars-Apostolic, lest the last state of the clergy should be worse than the first.' This brusque way of reversing the canonical order of proceeding might be ludicrous; but it naturally awakened grave displeasure. It was indeed to be regretted that the excellent clergy of the English mission were so unfortunately represented in Rome at this critical moment. Yet these painful displays conveyed an argument and a proof, in their own way, of the need in which we stood of having the blessings bestowed upon us of hierarchical order and canonical rule.

Rome was at that time in a very troubled state. The revolution was forcing its way over the sounder

but more timid portion of the population. Assassinations were perpetrated with the intent of intimidating the authorities and creating confusion. One of the English priests, of whom I have spoken, got a severe wound in defending an Italian priest against several assassins. The Bishop of Natchez, almost immediately after arrival, was attacked by a mob in the Corso in open day, and only saved himself by escaping into a shop. The war between Savoy and Austria was on foot; and the young men of Rome, under false pretences that they were to fight for the Pope, were enrolled and marched off to the seat of war. Public demonstrations were frequent. The citizens turned themselves into national guards, and paraded themselves in all directions. The very children were enrolled in a corps, clad in uniform, and exercised in military fashion. The revolutionary clubs kept the people in a constant state of excitement and commotion. In circumstances like these, it was impossible not to be deeply impressed with the calm and tranquillity of the Holy See, which amidst all this trouble and turmoil found time to attend to the affairs of the Universal Church, and to devote itself even to such questions of an extraordinary character as that of our Hierarchy, as though the Papal City were in its usual state of repose. But nothing ever unsettles the equanimity of the Holy See.

On the 5th of June I had my audience of the Sovereign Pontiff. Received with paternal kindness, his Holiness was pleased to express his esteem for the English Vicars-Apostolic. And after listening respectfully to these courteous and affectionate words,

I presented a memorial signed by all the English Prelates, representing to his Holiness in detail the difficulties under which we were labouring, and in most earnest and pathetic language imploring the Pontiff to provide the one and only remedy for them in the restoring of our long-lost Hierarchy. In the course of conversation his Holiness condescended to explain the causes of delay, chiefly owing to difficulties that had arisen among ourselves, and which called for careful consideration. He hoped that his Bull for establishing our Hierarchy would be published soon. And when I represented the serious inconveniences occasioned by our state of suspense, his Holiness observed, that the political unsettlement of the times was another thing to be taken into consideration, as he could not give himself so fully to these matters as if all was tranquil about his Throne. But before I left Rome he trusted that I should see the Bull promulgated.

The memorial I had asked leave to present to Propaganda respecting the Titles to be taken required careful consideration with reference to two points. In the first place, the Holy See was most anxious to avoid all conflict with the laws of England. In the next place, there was a growing feeling among English Catholics that our old titles of other days should not be altogether ignored. They had a cherished veneration for those historical Bishops and Saints who were our first fathers in the faith and the apostles of our nation. To them it would be gratifying to behold some visible links restored that would unite us once more with the old Catholic Sees of England. Nor

was this a mere matter of sentiment. There was another consideration; for an influential and increasing party had recently sprung up within the Anglican Establishment who maintained, at all points, that the Anglican communion was a veritable branch of the One Catholic Church, and would be prepared to construe the avoidance of all old titles into a recognition of Anglican Orders, an acknowledgment of what they called the 'Sister Church,' an allowance of her equality with the Catholic and Roman Communion. However groundless the supposition, however opposite to our intention, contrary to our teaching, alien from our practice, they would use this erroneous construction of our act, as they had often employed motives of a like negative and misleading kind, for the purpose of withholding those who were convinced of her doctrines from entering within the pale of the Catholic Church. Charity as well as truth required that we should guard against a misconstruction of so serious a kind, if we were able to do so.

Whilst, then, I proposed to avoid all conflict with English law, I pointed out a way in which some old titles might be taken without any contravention of the Act of Parliament. The Act of 1829 left us free to use any titles not actually occupied by members of the Establishment. It was an Act passed for our relief, and was evidently not intended to hinder our taking any title whatsoever except those which it specified. English Ministers of State had themselves spoken in favour of our taking the position of Ordinaries, which implied English titles. Moreover, when Archbishop Polding had called at



the Colonial Office to state the wish of obtaining a Hierarchy for Australia, the reply he received was: 'Do what you like, but don't come to us about it.' Yet not only had the Catholic Bishops of several British colonies taken titles the same as those held by the Protestant Bishops, as not being included in the Act of 1829, but they were actually at that time sustained on the public funds.

I then quoted a passage from Mr. Anstey's *Treatise on the Penal Laws* (p. 23), which I can only give here in substance from the Italian translation. Mr. Anstey observes, that whereas the law says, that whosoever shall without legal authority assume the name and title of Archbishop of any province, Bishop of any bishopric, or Dean of any deanery in England or in Ireland, shall pay for each such act 100*l.*, this law is limited to the case of assuming the title, but does not forbid the giving such title, whether in speech or writing. And it would seem, that even with respect to a person assuming such title, it will be very difficult to obtain a verdict where the individual does not use the title literally—for example, that of York. Difficult would it be for the Courts to enforce this new penal law, which is of strict interpretation.

Yet whilst I drew attention to the fact, that there were ancient titles that might be taken without interfering with Protestant designations, or offending the law, at the same time it was gravely noticed that the great centres of population which Catholics mostly inhabit were most generally towns of comparative recent growth, where there were no An-

glican Sees, and which in most cases would be the best and most convenient centres for episcopal residence and work.

This memorial I presented on the 3d of June; and on the 14th of that month I petitioned in another document that the extraordinary faculties and privileges hitherto enjoyed by the Vicars-Apostolic might be continued under the new arrangement. Monsignor Barnabo said on that occasion that the Pope had repeated to him what he had said to me, that he hoped to publish his Bull before I left Rome. He also said that the Congregation would be held in six days' time. On asking him whether it would not be the proper course for me to wait on each Cardinal composing the Congregation before it assembled, he said that for a General Congregation this was the etiquette, but not for a Special Congregation. The Monsignor then opened very frankly, telling me that when the question was first proposed, the influence of Cardinal Acton's opinion had decided the Cardinals to recommend nothing more than an increase of Vicars-Apostolic; but that Bishops Wiseman and Sharples had removed the impressions created by Cardinal Acton's views. They were actually proceeding with the question, when a point was raised by the English Prelates themselves, a summary of whose letters had been forwarded by Bishop Wiseman; but for greater security they had requested to have the originals, and this had interposed a fresh delay. After the receipt of these letters they had thought of doing no more at present than changing the Vicars into Titulars; leaving the increase of Sees,



the constitution of chapters, and the privileges of the clergy, to be gradually evolved, and so establishing the Church in England on the normal model by degrees.

The Special Congregation appointed by his Holiness for arranging our Hierarchy was now preparing to assemble. Its members were Cardinal Fransoni as Prefect, and Cardinals Ostini, Castracane, Mai, Altieri, Vizzardelli, and Orioli, with Monsignor Barnabo as Secretary. It will give light to the subject and inform the reader, if I explain the method of procedure in a Roman Ecclesiastical Congregation. After the materials of the question have been furnished in writing, and such inquiries have been made as will throw light on the documents, an abstract of the question is prepared by an under-secretary or clerk, with reference to the law and documents connected with it. This is called the *Ponenza*. Printed copies of it are distributed to the Cardinals some eight or ten days before the Congregation meets. If the question involves abstruse points in canon law or theology, the Congregation has the assistance of a body of learned consultors, and one or perhaps two of them are requested to write a dissertation on the point, called a *votum*, which is printed with the abstract. Each Cardinal makes his own private study of the question, in which he is aided by his own consultors, to whom he furnishes a copy of the documents. A day or two before the Congregation is held, he assembles his official advisers and holds what is called a *Congresso*, a private consultation on the subject in hand. Having obtained their lights

to aid his own, each Cardinal is now prepared for the Congregation. The Congregation opens with a prayer to the Holy Ghost, and one of the Cardinals to whom the office has been assigned brings forward the subject as *Relator* or *Ponente*. He puts the case and leads the discussion; and the result appears in the answer given to each of the points, which, after discussion is concluded, is expressed by open votes. But if it happens that facts essential to the case do not come clearly and satisfactorily out, there is a remand, and the Secretary is requested to obtain further information.

Thus while the Congregation consists of not more than six or eight Cardinals, the subject before them has undergone the sifting of a much larger number of intelligent and well-informed minds, who are to the Cardinals what lawyers are to judges; whilst the decision is left to a few of the wisest heads and most eminent judicial capacities which the Church possesses. After the case is concluded in the Congregation, its Secretary submits the cause with its decision to the Pope. And if his Holiness confirms the decision with his approval, it takes the shape of a Decree, Brief, or whatever may be the suitable form of document. But if the judgment of the Pope is not satisfied, there may be a new treatment of the question, after the manner that his Holiness may direct.

Cardinal Ostini was one of those who took a special interest in our affairs, and on the 25th of June he called twice at the English College to consult with Dr. Grant on the best mode of expressing in the Papal document the fact that our change to

Titular Bishops was but an amplification and state of permanence given to us, and not a break of continuity. After his departure we considered the point, and agreed to recommend the following clause, which was drawn up by Dr. Grant, and in substance inserted in the Brief of the Hierarchy. It said: 'In granting to the Bishops the title and full jurisdiction according to the canons, the Holy See intends to do a kindness to the Catholics of England, by giving to their pastors a greater consideration and more perfect dignity, without wishing to deprive them of the advantages which they at present have; and therefore is assured that the Catholics, emulating the piety of their ancestors, will increase the temporal means by which they are to do good.'

The Congregation was held on the 26th of June; and on the following day by invitation I went to Monsignor Barnabo, asking Dr. Grant to accompany me. The Monsignor told me that the Cardinals had discussed all the subjects of the Hierarchy with great care, and were so anxious to bring them to a conclusion, that they had desired him to summon me to the Congregation during the course of the discussion; a most unusual act on the part of a Roman Congregation. But as it was uncertain whether I could be found at the moment, they had requested him to consult me privately as soon as possible. Hence the summons for this morning. Requesting that all conversation and contents of documents might be kept strictly secret, to prevent farther intrusion from those not concerned in the negotiation—for persons already alluded to had intruded their interference within the

last few days—he stated that the Pope was anxious to know the result as soon as possible, and that the Sacred Congregation wished me, in virtue of the delegation given me by all the Bishops, to state at once what was to be thought on the following points :

1st. The Cardinals had been much struck with the passage from Mr. Anstey's book on the penal laws, showing that all that was prohibited by the English law was the assuming the actual titles of the Anglican Establishment. They saw that one title I had named was not included in that law, and they wished to know what I thought about taking all the titles from old Catholic Sees of a similar character. Was it practicable? Was it desirable?

2d. They wished me to draw out a plan for re-distributing the eight Vicariates into twelve Dioceses at once; suggesting the places for the Sees, and if possible the boundaries. For they thought it would be difficult to obtain agreement and concurrence to a suitable division later, and if all who had interests in the re-division were consulted. Moreover the Cardinals considered that the two leading objections—want of resources, and the difficulty of finding the right men at once—are not sufficient to delay this division, especially as the first might be obviated by leaving the new Sees for a time under the care of other Bishops.

3d. Their attention had been especially directed to the division of the London District. And they found, that since the days of Innocent III. in 1215, the Thames had served as a division, there having been a See on each side of it, as well as actual epis-

copal residence; and the population was large on the Southwark side, and would give a Diocese including several large towns as well as the Channel Islands.

4th. The Cardinals wished me further to state, who in my opinion would be a fitting Bishop for the Central District. They considered that the circumstances of that District required a man of considerable learning, and they did not believe that such could be found in the person already recommended, as he was represented to be in learning *mediocris*. One who was possessed of learning and had been named was declined, owing to an unqualifying corporal infirmity. They wished me to state whether it would be better to transfer another Bishop there, or to choose a priest for the office. Finally, Monsignor Barnabo said, 'Although the Cardinals know your attachment to the Western District, and that you would not like to leave it, yet they wish you to be transferred to the Central District; and say, that if you will sacrifice your attachment to the general interest, the difficulty will be at an end.'

5th. The Bishops were to be instructed to propose without delay a plan for raising the condition of the clergy.

6th. During the sitting of the Congregation I had sent in an extract from a letter received that morning, stating that Bishop Walsh was certainly approaching his death, having been taken dangerously ill at Princethorpe. But Monsignor Barnabo said, that the Cardinals, after hearing this letter, were still resolved to have him named for Westminster, saying, 'Whether living or dying, he shall be the first Archbishop.'



On retiring, Monsignor Barnabo detained Dr. Grant, and spoke more fully to him on the proposal for my translation. Hearing what had passed between them, I was thrown into no little anxiety, resolving, however, to do my utmost to prevent this consummation. Apart from personal considerations, I felt it my duty to support the recommendation made by the Bishops, and to put the merits of the priest of their proposing in their true light. For his merits and services were known to me, and I was also aware that letters written in a party spirit had been sent to Rome about him, one material statement in which was certainly untrue. The impression caused by this I succeeded in removing. But there was an unfortunate epithet attached to his name in the very episcopal recommendation; it was a mere oversight, but the force of it I did not realise until at a later period. His ecclesiastical science had been expressed as *mediocris*. The Bishops were unconscious that they had employed a technical word, which had a special sense attached to it below that which they intended to express; and it was whilst reading a great Canonist at a later time that light flashed on my mind and revealed the mistake.

Barbosa gives three technical terms as expressive of the three degrees of learning to be respectively used in recommendations to the Episcopate. These are *scientia eminens*, *scientia sufficiens*, and *scientia mediocris*. The man of *eminent science* has all the knowledge required for his office in his head. The man of *sufficient science* knows where to find what he has not actually in his head. Whilst the man of

*mediocre science* neither has the requisite knowledge in his head nor knows where to look for it. What the Bishops really wished to express, failing to do so through mere inadvertence, was the middle degree of knowledge, the *scientia sufficiens*.

I wrote a letter to the Secretary of Propaganda, representing the difficulties of the proposed translation. I showed that the Western District had hitherto been always assigned to men of the Regular Orders, whilst the Central one had been committed to men from the Secular Clergy. I told him plainly, that whatever passion I might have for learning, I had not the scholarship that might be supposed, having spent three of my earlier years at sea, and having been passed much too rapidly through the College course of studies. On presenting this letter I enlarged more fully on the difficulties I apprehended, and went over the three names already proposed. Admitting, however, that the Central District had been much drawn upon of late for Bishops, I gave the names of two priests of other Districts, in the event of none of those being accepted that had been proposed. But Monsignor Barnabo only repeated that the Cardinals were of opinion, that if I would sacrifice my attachment to the Western District, the difficulty would be at an end.

Seeing that none of those recommended would be accepted, I next wrote a letter proposing Dr. Grant for the Central District, as one whose qualifications were thoroughly known to the Holy See; but on its receipt, the reply I had, was a request that I would recommend a successor for the Western District. I



next had an interview with the Cardinal Prefect of Propaganda; but his Eminence overruled my objections, though in the kindest manner.

To turn from these personal matters, essential though they be to the integrity of this history, on the 30th of June I presented four memorials for the Sacred Congregation. The first treated on certain considerations to be kept in view in making the transition from the position of Vicars-Apostolic to that of Ordinaries. It was an expansion and reinforcement of a previous document. The second, having previously talked over the matter with the Prefect of Propaganda, put forward Dr. Hendren for the Western Vicariate, of which he was Vicar-General, as a man endowed with learning and prudence, though somewhat an invalid; for his Holiness had sent, through Monsignor Barnabo, a sacred precept to Bishop Walsh to accept the London District, and to myself to accept the Central one. The Western Vicariate had always been in the hands either of Benedictines or of Franciscans, except during the brief government of Bishop Baggs, and Dr. Hendren was a Franciscan.

The third document was one of great importance. It embodied a plan for redistributing the eight Vicariates into twelve Dioceses. In drawing it up, especial attention was paid to the views entertained by the English Bishops as to the general division, and to those of individual Bishops, where consistent with the others, as to their own localities. The plan was accepted, and is incorporated in the Apostolic Letters founding the Hierarchy; but subsequently the Lancashire District was divided into two Dioceses,

thus raising the whole number to thirteen. I should myself have proposed this division, had I not received a letter from the Lancashire Vicar-Apostolic, earnestly objecting to the contemplated division at that time for special reasons which he stated ; but after the Hierarchy was established, the clergy of the northern part of Lancashire addressed the Bishops on the desirableness of the division, and the Bishops obtained its accomplishment. Coloured plans were attached to this memorial, exhibiting the old and new divisions. It concluded with the following remark : ‘ In proposing this plan of re-division, on the principles proposed by the Sacred Congregation, the undersigned Bishop cannot omit to observe that the Holy See is contemplating the renewal of our Church as it existed in its earliest period. At the celebrated Synod of Arles, of 314, three British Bishops assisted, and among the first to sign the acts was the Bishop of London. But what is more striking in the parallel is the fact, that the Apostle of our country, St. Gregory the Great, in a letter to St. Augustine, contemplated erecting an Archiepiscopal See in London, with twelve suffragans ; intending to constitute a second at York, with other twelve suffragans, at some future time.’

The fourth memorial treated the question anew, and at considerable length, as to whether some of the titles should or should not be taken from ancient English Sees that had not been adopted by the Anglican Establishment, and the use of which would not conflict with the provisions of the Emancipation Act. It was represented as inexpedient to take titles of such ancient Sees as Sherburn, Sidnacester, Seolsy,

Dunwich, Dorchester, or others, that had ceased to be centres of considerable populations, and where the Catholics were few or none. To place a Bishop's church and chair in such places could only be an act of the imagination, not a practical reality; and he must perforce have his residence in some large and populous town, where he could be surrounded by a body of clergy intent, like himself, on the care of souls. There were some three or four ancient Sees (not occupied by Protestant Prelates) with considerable populations, including a number of Catholics; but I recommended that the greater part of the titles should be taken from populous localities where the Catholics were the most numerous, and where there were no Anglican titles, or where some other title could be adopted; as, in fact, Clifton was taken instead of Bristol, and Salford instead of Manchester. But Hexham was taken as an old Catholic See, although it was found expedient later on to add Newcastle, where was the principal church and the largest number of Catholics, and where the Bishop now resides.

I did not neglect to point out the precise bearing of the English law respecting ecclesiastical titles, though I could not then quote the exact words of our legislators, as I do here and now.

Sir Robert Peel must have had the probability before his mind of our establishing a Hierarchy, as a sequence to our emancipation, when, on introducing the Relief Act of 1829, he said: 'I propose that the episcopal titles and names *made use of in the Church of England* shall not be assumed by Bishops of the

Roman Catholic Church.' With this view the Act was carefully worded, both as to what it prohibited and what it left free through the specific limits put to the prohibition. The Act prohibited nothing beyond the assuming of 'the name, style, or title of Archbishop of any province, Bishop of any bishopric, or Dean of any deanery, in England or in Ireland.'

And that the intent of this clause was to restrict, but 'not to prohibit, the use of English titles, was clearly indicated by Lord John Russell in the debate on the Catholic Relief Bill of July 9th, 1845, when his lordship said: 'He, for one, was prepared to go into committee on those clauses of the Act of 1829. . . . He believed that they might repeal those disallowing clauses which prevented a Roman Catholic Bishop assuming a title *held by a Bishop of the Established Church*. He could not conceive any good ground for *this restriction*.' Again, in the debate on the Roman Catholic Relief Bill of February 5th, 1846, Lord John said: 'That part of the subject requires interference by the Legislature. As to preventing persons from assuming *particular* titles, nothing could be more absurd and puerile than to keep up *such a distinction*.'

With this state and intent of the law in view, I proposed that the titular church of the Archbishop of our Hierarchy should be in London, where the Vicar-Apostolic had always resided, and where, when his title was changed, he would necessarily have his cathedral church; a title which would not legally come in conflict with the Anglican title of Bishop of London. In like manner I proposed that the Vicar-Apostolic resident

in York should take the title of Bishop of York. But in order to avoid even the appearance of clashing with the legal Establishment in either of these cities, the titles actually assigned were those of Westminster and Beverley: not that there was any canonical difficulty in taking the very name of Sees in use amongst Anglicans, but that there was an unwillingness to wound the susceptibilities either of the British Government or Protestant people. So far from any canonical difficulty being supposed to exist, the names of one or two old English Sees were expressly taken, with the object, among other reasons, of proving the contrary. For there can be no greater delusion than that which imagines that either Rome or any part of the Catholic Church acknowledges the validity of Anglican Orders. So far from being the case, both in Rome and in every other country, from the earliest time at which clergymen ordained in the Anglican Communion have presented themselves as converts and candidates for the Catholic priesthood, they have been ordained unconditionally, without the least notion arising that they had ever received Orders before; and this practice, embodying the Church's traditional judgment, has continued unbroken to the present time.

On the 4th of July copies of these four memorials for the use of all the Cardinals were presented. On the 5th, Dr. Grant saw Monsignor Barnabo, who sent me information that Monsignor Vespasiani, the *Minutante*, had been instructed to prepare the papers speedily for the Congregation, especially those that bore on the Hierarchy.

On the 7th I received a dictated letter from



Bishop Walsh, stating that he was very ill, and incapable of writing. He dwelt on his reluctance to undertake the charge in London, and implored me to do all I could to get the priest nominated as coadjutor whom he had recommended. I took a translation of this letter at once to Propaganda, and there entered into the fullest detail on the difficulties that would attend the removing him to London. Whereupon, in the strictest confidence, Monsignor Barnabo explained to me the whole of the motives which had actuated the Cardinals in their decision, in order, as he said, to show me that nothing I could say had been overlooked or left unconsidered by them.

He told me, the only cause remaining for delay was the preparation of the draft of the Papal document for the appointment of the Hierarchy. In it the substance of the old Constitution of Benedict XIV. was to be incorporated as *principes provisoires*, to prevent any possible misconception respecting the continuance of the powers of the Bishops as heretofore, or regarding the rights of the regulars. He then told me that he would give me due notice of the time when the Cardinals would assemble, that I might be at the Propaganda, ready to give information on the spot, and so to save time.

Monsignor Barnabo put into my hands a scheme for division and arrangement of the dioceses, presented by an Italian priest who for a short time had been in England. From other sources I knew that this scheme had been inspired by a layman who was doing his utmost to fasten a policy of his own upon us. He was devout after his way; he had lived a considerable time



in Rome; and, though ignorant of our affairs, was in the habit of putting this or that person forward for ecclesiastical promotion, I need scarcely say without result. I knew from sundry letters of his which had come under my notice, that he looked for his light to a poor girl in the Pontine Marches, who was subsequently imprisoned for the many deceptions she had practised under the plea of prophetic inspiration. On the 10th of July I presented my reply to this scheme, showing its impracticability. Suffice it to say, that it contemplated the immediate erection of eighteen Dioceses.

On the 16th, on Cardinal Ostini's invitation, with Dr. Grant I assisted at his *congresso* or consultation, preliminary to the Congregation of the following day. There, besides the Cardinal's ordinary consultants, I met Monsignor Ferrari, the sub-secretary for extraordinary ecclesiastical affairs, and Monsignor Corboli Bussi, who had just returned from a special embassy to the Court of Vienna, and who (to the general regret) died a short time afterwards. Several grave points relating to the memorials were discussed, and I was struck with the acuteness and minute information of Monsignor Corboli Bussi. For example, I thought that I had given special and otherwise inaccessible information drawn from the Australian Hierarchy, on which I rested an argument; but his better information completely disposed of my reasoning. One is often subject to these surprises in Rome, where so much is known about ecclesiastical persons and things throughout the wide world.

On the 17th of July the Special Congregation was

held. After a time I was called into the presence of the Cardinals. There was a moment's hesitation about placing me; as even the Secretary, though an Archbishop, has a separate table; but I was then courteously invited to a seat on the right of the President. All the members of the Congregation were there except Cardinals Altieri and Orioli. A particular desire had been expressed to have Cardinal Mai's assistance, he having formerly been Secretary of Propaganda, and possessing a large and an acute mind. His Eminence came from Frascati for the occasion, where he was engaged upon his edition of the Vatican Codex of the Scriptures. What their Eminences chiefly wished to hear me upon was the subject of the titles for the Sees. Their motive in taking so unprecedented a step as the calling in a Bishop, was their singular solicitude to avoid all conflict with English law or susceptibility. I cannot of course enter into what passed within the Congregation. And after the subject upon which I was called in was terminated, I retired from the assembly.

On the following day Monsignor Barnabo reported to me the result of the Congregation. He said it had been fully determined that Bishop Walsh should be translated to London, in order to his becoming the first Archbishop; I was to be removed to Birmingham; the Rev. Mr. Hendren was to take my place as Vicar-Apostolic of the Western District; and I might communicate the decision to him. With respect to the Hierarchy, the only difficulty remaining regarded the titles to be taken; and the Cardinals wished each Bishop to write his sentiments to Pro-

paganda respecting his own title, and such other as might come within the division of his Vicariate. On hearing this decision, I at once proposed to go to England, explaining the advantage it would be to the Bishops, before writing their views, to hear an explanation of all that had passed in the course of the negotiation. I knew that by travelling expeditiously, I should arrive to find the Bishops assembled at Salford for the opening of the church which subsequently became the cathedral. This proposal Monsignor Barnabo thoroughly approved; and as he had to report the result of the Congregation to the Sovereign Pontiff, he said he would ask for me an early audience of departure.

On the day following, Dr. Grant went to Propaganda to offer certain suggestions, with the view of expediting the new appointments. He took the further precaution of asking for an authentic copy of the modified episcopal oath taken by British subjects at their consecration, that I might add it to the documents regarding the contemplated Hierarchy. The mention of this leads me to turn aside for a moment from the straight course of this history.

It will be in the recollection of many persons, how during the excitement that followed the promulgation of the Hierarchy, the well-known Dr. Cumming charged Cardinal Wiseman with having, on receiving the pallium, taken an oath to prosecute heretics. Cardinal Wiseman denied the charge, because Cardinals are exempted from the oath, and because in 1840, when he took the episcopal oath, he took it in a modified form, from which the passage

quoted by Dr. Cumming from the Pontificale Romanum was excluded. His Eminence had courteously intimated to Dr. Cumming through his secretary, that Pope Pius VII., by a Rescript of April 12th, 1818, had modified this oath, leaving out that clause in the case of all Bishops and Archbishops subject to the British Crown; and further stated, that 'in the copy of the Pontifical kept at the episcopal residence in Golden-square, which copy is probably the one generally used in consecration of Bishops in England, the sentence is cancelled,' offering to Dr. Cumming to inspect this copy if he chose to arrange with the Cardinal for the purpose. Accordingly, in company with Sir J. Heron Maxwell and Admiral Vernon Harcourt, Dr. Cumming met the Cardinal, and inspected the volume. And he had the hardihood to declare to the world at large, that though 'a line of black ink was drawn over the passage,' yet it was done 'with a pen *apparently very recently used.*' He found the modified form in a loose sheet placed in the volume; but again he found that in the oath as taken on receiving the pallium the text remained without alteration. This was equivalent to charging Cardinal Wiseman with fraud, and something worse. What Dr. Cumming really wished the world to believe—what has, in fact, become one of the minor 'Protestant traditions'—was that we did not exclude, but actually swore, the words respecting the prosecution of heresy.

Let me, then, state a few simple facts. 1st. There is the actual Rescript of Pius VII. authorising the suppression of the passage in the form used by British

subjects. 2d. Before a Committee of the House of Lords in 1825 the celebrated Bishop Doyle declared, that 'the oath as found in the Pontifical has been modified by the Pope at the express desire of the Catholic Bishops of Ireland; for there was one expression in it that seemed to give offence to persons professing a religion different from ours;' and then the Bishop refers to the passage quoted by Dr. Cumming. Before the same Committee Archbishop Murray says, that 'this oath underwent an alteration to suit the prejudices of those who mistook the meaning of the oath.' 3d. At my own consecration on the 21st of June 1846, Bishop Griffiths brought the very copy of the Pontifical from London that was seen by Dr. Cumming, with the same modified copy of the oath in a loose sheet within it—doubtless that sheet which he saw; and the Bishop explained to me, that for some time past the oath had not been taken by English Bishops as in the text of the Pontifical, but modified as in the form contained in the loose sheet placed in the Pontifical; in which form I took it, omitting the words about heretics. 4th. In 1848 I obtained an authentic copy of the modified oath as taken by British subjects, which is now lying before me, and on the top of which Dr. Grant wrote at the time of receiving it: 'Copy of the oath to be taken by Bishops at their consecration in England, given by Propaganda to me July 21st, 1848,' and signed 'Thomas Grant.' 5th. It was in November 1850 that Dr. Cumming questioned Cardinal Wiseman's veracity in asserting that Bishops and Archbishops who are British subjects do not take the oath as given in the printed Ponti-



ficale Romanum, but a modified form of it, from which the passage respecting the prosecution of heretics is omitted.

Why, then, did Dr. Cumming find the passage cancelled in the copy at the episcopal residence in London in the oath for consecration, and not in the oath for receiving the pallium? The oath is in every respect the same in both cases; but the one ceremony, that of consecration, was in use, whilst the other ceremony, that for receiving the pallium, was not in use at the time. For we had had no Archbishops in England hitherto, no one to receive the pallium, the Cardinal was exempt from the oath; besides, he received the pallium in Rome. The passage was cancelled where the rite was used, to prevent the old form of oath being taken by mistake; whereas there was no danger of error in using it in a rite that never until then had been used. But if there was an authentic copy of the remodelled oath in England, why need we obtain another? For these two reasons. First, that by obtaining an official copy among the papers concerning the Hierarchy, it might be clearly understood that we were to use as titular Bishops the form we had used as Vicars-Apostolic. Secondly, that there might be two authentic copies in England, for greater security of the text.

On the evening of the same 20th of July, Dr. Grant and I were walking near the Sciarra palace, when we accidentally met Monsignor Barnabo. He told us, that he had laid the proceedings of the Congregation before the Pope, who had approved of everything, and had sent to Bishop Walsh and myself *uno*



*gravissimo precetto*—a very grave command to accept our new appointments. The Pope wished me to be the bearer of a gold chalice presented by him to St. George's Cathedral, Southwark, then about to be opened. And I was to be honoured with an audience on Sunday next.

I have kept no note of what passed at that audience ; but I recollect that his Holiness was very kind in his expressions towards the English Bishops, to whom he wished me to convey his sentiments, and his desire of establishing them in the Hierarchy with as little delay as possible. His Holiness further expressed his confidence, that the restoration of the Hierarchy would lead as a consequence to a higher and wider cultivation of ecclesiastical learning among the clergy.

The Pontifical Decree by which the Hierarchy was to be established had been already prepared, leaving vacant spaces for the introduction of the titles. The historical preface was written by Monsignor Palma from materials supplied by Dr. Grant ; whilst the body of the document was drawn up by the very acute and cautious Cardinal Vizzardelli, esteemed the first canonist in Rome.

I ought not to close the history of this important negotiation without some expression of gratitude to those distinguished ecclesiastical dignitaries to whom the Catholics of England are the most indebted. Dr. Grant was the ablest, most judicious, and influential agent that the English Bishops ever had in Rome. He kept them at all times well informed on whatever concerned their interests ; whilst he overlooked

nothing in Rome in which he could serve them. To him, more than to any one, as far as our part was concerned, from the beginning to the end of these negotiations, the success was mainly due. When he was proposed for the See of Southwark in the new Hierarchy, Monsignor Barnabo told Cardinal Wiseman that we should regret his removal from Rome; that he had never misled them in any transaction; and that his documents were so complete and accurate, that they depended on them, and it was never requisite to draw them up anew. His acuteness, learning, readiness of resource, and knowledge of the forms of ecclesiastical business, made him invaluable to our joint counsels at home, whether in synods or in our yearly episcopal meetings; and his obligingness, his untiring spirit of work, and the expedition and accuracy with which he struck off documents in Latin, Italian, or English, naturally brought the greater part of such work on his shoulders. In his gentle humility he completely effaced the consciousness that he was of especial use and importance to us. His death is an irreparable loss as much to the English Episcopate as to his Diocese.

Monsignor Palma had for many years been the *Minutante* or under-secretary at Propaganda for English-speaking nations. He possessed a most extraordinary knowledge of all that concerned ecclesiastical persons and affairs in those nations, both past and present. His *Lectiones Historiæ Ecclesiasticæ* exhibit his learning. During my stay in Rome he was promoted to the office of secretary of Latin Briefs to his Holiness, and all Rome applauded this

testimony to his merits. Soon after my departure this kindly and warm-hearted Prelate was shot dead through a window of the Pope's palace by a mob, whose sole object was to intimidate the Pope. In his notes on the Hierarchy, Bishop Grant writes of him: 'His former position at the Propaganda had been intimately connected with England and English affairs; and it was interesting to converse with one whose early duties had enabled him to provide a chaplain and confessor for Napoleon I. at St. Helena, and to carry out the instructions of Cardinal Consalvi and of Gregory XVI. as Prefects of Propaganda. He prepared the famous Constitution *Multa Præclara* for the settlement of the ecclesiastical affairs of India, the Brief reëstablishing the Patriarchate of Jerusalem, and the historical introduction to the Brief restoring our Hierarchy was his work.'

Monsignor Barnabo, who succeeded Cardinal Fransoni as Cardinal Prefect of Propaganda soon after the Hierarchy was established, was the Roman Prelate who first clearly saw that our Church in England never could be satisfactorily settled without a Hierarchy. His large and vigorous character, his incisive and decisive mind, and his spirit of untiring labour, eminently fitted him for that responsible post which he has so long and ably filled, and his history exhibits him in one of the many transactions in which his energy and judgment have happily settled the affairs of our local Church. Bishop Grant writes of him in his notes of 1867: 'Your lordship knows how actively, faithfully, and perseveringly Monsignor, now Cardinal, Barnabo has laboured from the year

1847 to the present time in preparing all subjects regarding England, its Hierarchy and Chapters, for the consideration of his Holiness.'

Many persons will remember Cardinal Fransoni, the venerable and spiritual beauty of his head, the piety and meekness that breathed from his sweet countenance when he assisted at the Papal Throne in the great offices of the Church. He took a deep interest in these negotiations, over which he presided. On parting he said to me, that when he saw our Hierarchy renewed, he should happily sing the Anthem—*'Now dost Thou dismiss Thy servant, O Lord, in peace: for mine eyes have seen Thy salvation.'* He died soon after it was finally accomplished.

It has often been said that Rome is very slow in its proceedings. But during the ten visits I have made to Rome on Church affairs in the last three-and-thirty years, I never found Rome slow. True it is, the Holy See never acts or decides unless it sees the whole of a question, and sees clean through it; but whenever there is protracted delay, it is because the subject has not come before its judgment in a form complete and adequate. The negotiations I have described took less than ten weeks from first to last. It is in cases of litigation that Rome is slow, and that is owing to deep solicitude lest justice should suffer a defeat.

The night I left Rome was that on which, after spreading false news of an Italian victory over the Austrians, at the very time when Radetsky had cut in two and routed the Italian army, the mob broke into the Roman churches, rang the bells, and began

the revolution. Soon after, the Pope's Minister, Count de Rossi, was assassinated, Mgr. Palma shot, and the Pope fled to Gaeta. These events delayed the promulgation of our Hierarchy for the space of two years. Yet on my arrival in England, it was the general impression that it was actually established. It was so stated in public prints, yet it awakened no feeling of offence. I firmly believe that if it could have been quietly promulgated amongst ourselves at that period, we should have settled down in peace.

What was going on was so well known, that on the 17th of August of that same year 1848, in a debate on the Diplomatic Relations with Rome Bill, Sir Robert Inglis, after declaring that he had no objection to call Dr. Wiseman a Bishop, though he objected to call him Archbishop of Westminster, put questions with regard to the appointing of Archbishops and Bishops in this country without the consent of the Sovereign; to which the Prime Minister, Lord John Russell, replied in the following terms:

'I do not know that the Pope has authorised in any way, by any authority that he may have, the creation of Archbishops and Bishops with Dioceses in England; but certainly I have not given my consent, nor should I give my consent if I were asked to do so, to any such formation of Dioceses. With regard to spiritual authority, the honourable gentleman must see, when he alludes to the States of Europe, that whatever control is to be obtained of the spiritual authority of the Pope can only be attained by agreement to that end. You must either give certain



advantages to the Roman Catholic religion, and obtain from the Pope certain other advantages in return, among which you must stipulate that the Pope shall not create any Dioceses in England without the consent of the Queen; or, on the other hand, you must say you will have nothing to do with arrangements of that kind—that you will not consent in any way to give authority to the Roman Catholic religion in England. But then you must leave the spiritual authority of the Pope entirely unfettered. You cannot bind the Pope's spiritual influence unless you have some agreement. . . . But though you may prevent any spiritual authority being exercised by the Pope *by law*, yet there is no provision, no law my honourable friend could frame, that would deprive the Pope of that influence that is merely exercised over the mind. It is quite obvious that you cannot, by any means or authority, prevent the Pope from communication with the Catholics of this country. You may try to prevent such communication from being open; but I think it would be very foolish if you took any means of great vigour or energy for that purpose. If it is not open, it will be secret.'

After such a speech from the Prime Minister of this country, and when it was known, though not of course officially, that negotiations for our Hierarchy were pending at least, if not concluded, the Pope had just reason for concluding that the establishment of Catholic titular Archbishops and Bishops would not be interfered with. They would not be recognised or supported by any act of the Legislature, as Lord John intimated; but no one ever dreamt that they would, or



that it was even desirable that they should, be so recognised. Yet here was emphatic assurance that the Pope's spiritual action was free and could not be interfered with.

Arriving at Manchester in time to meet the assembled Bishops, I explained to them all that had passed at Rome. The coadjutor of the Lancashire District and the clergy of its Northern part were disappointed at its not having been divided into two Sees; and I could only allege that I had been guided by the instructions of its Vicar-Apostolic. But, as I have previously stated, on a petition received from the clergy of the Northern portion of the District, this division was recommended by the Bishops to Propaganda; and being adopted, there was now an Archbishopial See with twelve suffragan Dioceses, which brought the plan to an exact parallel with that originally projected by St. Gregory the Great. Bishop Wiseman did not like the appointing of a second See in Southwark so close to his own; but that was a fixed idea of Propaganda, which left me without discretion. After some little hesitation had been expressed by one or two other Prelates on points of detail, a cheerful view of the whole subject arose in the minds of all the Prelates, and Bishop Wiseman expressed with warmth the general gratitude for what had been accomplished. He observed, that it was natural for individual Bishops to take partial views at first of what affected themselves; but that it was a great and wise measure, which had been carefully considered by the Holy See. Looking at its provisions and arrangements for the first time, and that

through the light of our individual interests—interests that must in the nature of the case undergo alteration—we scarcely yet completely realised the full value of the measure. A letter of gratitude was drawn up, signed by all, and addressed to the Sovereign Pontiff, and another to the Sacred Congregation of Propaganda. A vote of thanks was likewise presented to the negotiator. It was then understood that each Bishop would write to Propaganda on the titles within his own Vicariate.

Soon afterwards the Briefs arrived for Bishop Walsh's translation to London and my own to Birmingham, and Bishop Hendren was consecrated for the Western District. Bishop Wiseman, who had never met him before, expressed himself as being much struck with the gravity of his character and with the extent and solidity of his learning.

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## CHAPTER V.

### THE PONTIFICAL DECREE.

THE absence of the Pope from Rome lasted from November 1848 to April 1850, the city being in possession of the revolutionists during the greater part of the intervening period. No Congregations were held in Rome during this time of trouble and disorder. The Cardinals were dispersed, and Monsignor Barnabo was for some time living in an Armenian community under the protection of the

Turkish flag. After order was restored, Monsignor Vespasiani, who had succeeded Monsignor Palma as *Minutante* for English affairs, was sent on a mission to Malta, and the case of the English Hierarchy was deferred until his return. Meanwhile there had been no new materials added, except that the views of the Bishops respecting their titles had been received, together with the proposal for the division of the Lancashire District; and on the return of Monsignor Vespasiani from Malta he prepared these matters for the Congregation. 'At last,' writes Bishop Grant, 'Monsignor Barnabo told me to make out a short petition, reciting how matters stood, in order that the Cardinals might come to their final act upon a definite request and statement, holding the place of a *Ponenza*.' And in another letter the Bishop says: 'When the Cardinals discussed the subject of our Hierarchy for the last time late in the summer of 1850, all obstacles were removed, and after a few days' hesitation on the part of two of their number, they were unanimous in asking his Holiness to issue the Brief of September 29th, 1850. The Brief enabling the new Bishops to erect their chapters was also prepared by Cardinal Vizzardelli.'

On the 9th of July of that same year, writing to me on a matter of business, Bishop Wiseman concluded a letter in these words: 'In a few days I will write to you *uti frater studiosissimus*.' It at once struck me that he never used this style before, a style frequently used by Cardinals; and knowing, though few did, that the Pope contemplated elevating him to the purple, I at once wrote and told him that

I was confident he had received notice of the red hat, and it was of no use concealing it. He replied by return of post in the following terms :

‘ When I concluded my last letter, I certainly did not intend to convey the meaning your Lordship has drawn, though, as soon as written, it struck me the last words might bear that construction. The rumour is now so public here—how it got out, I know not—that I feel almost justified in acknowledging its truth. To those who speak to me, I am obliged to content myself with not denying it; and I have written to Rome to say the matter is as good as public. This being the case, I can assure your Lordship that I have been in a state of unnatural constraint, from not being able to write to my brethren on a matter in which naturally I should have wished to consult with them. I have written to Rome as much as one may write of himself, but in vain; and I fear my total separation from England in about a month is decided. What I have felt and what I feel is known to God alone. I dare not act in any way that would oppose His holy rule; but to leave the work that is going on now here is to me the heaviest trial that has ever befallen me. Your Lordship will see that I cannot act upon this matter otherwise than as a rumour which I do not contradict. Whether anything should be done, I feel unable to judge; for I ought to hold myself, if possible, indifferent. I propose being at Birmingham, *en passant*, early after the 21st.’

On receiving this letter I wrote to express, and with earnestness, my conviction that it was of great

importance he should be with us in England to guide us through the early steps of the Hierarchy, and that it required a leader of his breadth of character as well to lead our ecclesiastical literature, as for many other things. To this the Cardinal replied, that he had received a letter in which the Pope had intimated that he should provide a successor to him in London, and that in a fortnight's time he should quit these shores for ever. After our meeting in Birmingham and the conversation which then took place, I have reason to believe that Cardinal Wiseman was more impressed with the difficulties that would attend his absence from England, especially in a time so critical for our ecclesiastical affairs. Representations from various persons reached Rome before him, the object of which was his retention in England. And Bishop Grant says, in a letter to me, that an argument presented by the Abbé Quiblier, a Canadian Sulpician then in London, in favour of the Cardinal's return to England, had produced a considerable impression on the mind of the Pope. 'Finally,' writes Bishop Grant, 'it was represented to him, that whilst other Cardinals could adequately fill his place in the Roman Congregations, his talents, learning, and many exalted qualities proved that his place could not be supplied at home.'

But a difficulty presented itself. Created a Cardinal, in what capacity could he return to England? Bishop Walsh had departed this life in February 1849, so that Bishop Wiseman had become the Vicar-Apostolic of the London District. No Cardinal had ever been a Vicar-Apostolic, and it was

not deemed expedient or desirable to establish a precedent. However, as the Papal Decree for establishing the Hierarchy was already prepared, and as the time had come for its promulgation, Cardinal Wiseman was made the first Archbishop of Westminster, and the Apostolic Letters establishing the Hierarchy were promulgated on the 29th of September 1850.

At the last moment, before the promulgation of the Apostolic Letters, the cautious Cardinal Vizzardelli called Dr. Grant to him, and pointing to one of the titles in the document, inquired: 'Is that title held by any Protestant Prelate?' Dr. Grant explained that it was not. 'Then,' said the Cardinal, 'all is right.'

The five Sees additional to those held by the Prelates who had hitherto been Vicars-Apostolic were placed under their respective administrations until June 1851, when the Bishops of Clifton, Plymouth, Shrewsbury, and Salford were consecrated in England, and the Bishop of Southwark in Rome, Bishop Hendren being translated to Nottingham.

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## CHAPTER VI.

### IS DIOCESAN JURISDICTION OR ARE EPISCOPAL TITLES TERRITORIAL?

It is time these questions were cleared up and set on their proper basis. So long as English legislation assumed that the sovereign State of the realm had



supreme and exclusive power over all souls within the kingdom in spiritual as well as in civil matters, the laws enforcing this assumption might be tyrannical and cruel, they might be inconsistent with the fundamental principle of that Protestantism which they were devised to support ; but they held together in an intelligible, if not in a justifiable principle, that of not allowing any Englishman to possess another religion besides that of the Thirty-nine Articles under the Royal Supremacy. But from the moment that the State abandoned this principle for that of liberty of conscience, and left Englishmen free to enjoy and practise the religion of their inward belief, and to profess it outwardly, it followed by logical necessity, that we should be left free to adopt that organisation, and to express it in that language, which is proper and normal to our Church.

To say that we shall have no English shepherds of souls known by English names, whilst shepherding their flocks ; to say that those English flocks shall not be so defined locally as that they may know to what shepherd they belong ; in other words, to say that we shall not have local Bishops bearing the names of their churches, nor shall draw a line through the population so as to know what Catholic souls belong to their distinct and separate responsibilities, is to say that we shall not have the Catholic religion.

In the year that our Hierarchy was constituted, members of parliament, politicians, and writers for the press were loud in proclaiming that we had assumed territorial jurisdiction, and had taken possession of territorial titles. But this clamour was the

offspring of misinformation allied to prejudice; and there was a farther ground of misconception arising from notions derived from the *status* of Anglican Bishops, which differs in various respects from that of Bishops having no civil institution or political position derived from the State. The true interpretation of our acts and of the language in which they are expressed can only be derived from our intentions, and from the objects contemplated by the Church which inspires and directs them. No one has a right to impose intentions and aims upon us that neither we nor our Church have entertained or dreamed of, and then afflict us with legal restraints and penalties, as if their imaginings were our offences. Our canonical authorities are the legitimate exponents of the sense of our canonical acts, and by their lights, not forgetting that of really learned Protestant writers, I propose to meet the charge of our having infringed on the territorial rights belonging to the civil authorities of our country.

It will be sufficient for my purpose if, taking our canonical authorities for my guide, I explain these three questions: I. What is ecclesiastical jurisdiction? II. What is an ecclesiastical diocese? III. What is an episcopal title?

Ecclesiastical jurisdiction is defined and marked off from the jurisdiction of the State in clear terms by Ferraris, a canonist who is celebrated for the exactness of his definitions. He says: 'Jurisdiction is divided into ecclesiastical and civil. *Ecclesiastical jurisdiction* is that which is concerned with what regulates the worship of God and the spiritual saving

of souls. *Civil or political jurisdiction* is that which regards secular and mundane causes, and the temporal government of the commonwealth.\* This is precisely the distinction drawn between the two jurisdictions by Parliament in the oath prescribed to Catholics in the Emancipation Act. Catholics had heretofore been excluded from their civil rights by the oath which required all members of the legislature, magistrates, and others, to abjure the 'ecclesiastical and spiritual' jurisdiction of the Pope, as well as all 'temporal and civil' jurisdiction within this realm. But, by the change in the oath, Catholics were only required to abjure the Pope's 'temporal and civil' jurisdiction, being left free to acknowledge and accept his 'ecclesiastical and spiritual' jurisdiction. Barbosa says that ecclesiastical jurisdiction 'is supernaturally instituted for governing believers according to Gospel law, and, when that is a help to it, according to natural law ;'† and this he draws from the *corpus juris*. Ecclesiastical jurisdiction, then, is an authority distinct in its nature from civil or political jurisdiction, or the power of the State, and does not interfere with it. In this respect, Dissenters claim the exercise of an independent jurisdiction equally with ourselves ; and they exercise it in presbyteries, synods, circuits, and conferences, and that without let or hindrance.

We have next to ask—What is a Diocese? And what is diocesan jurisdiction? Is it territorial? Does it lay hold of the land? The reply to these last

\* Ferraris, *Bibliotheca*, art. Jurisdictio.

† Barbosa, *Collectanea*, tom. vi. in lib. i. decret. tit. xxxi.

questions is, Certainly it does not. A Diocese is a circumscription marking the situation of churches and populations, so as to distinguish one Christian flock from those that belong to other pastors of the same Church. This circumscription is generally conterminous with the civil divisions of a country, as being well known to all, and so convenient; but it is not necessarily the same. All manner of persons use these divisions for their own purposes without being supposed to exercise territorial jurisdiction. Geologists use them as regions of minerals, botanists as regions of plants, newspapers as districts to whose affairs they are especially devoted, Dissenters as boundaries of their spiritual administrations, and Catholics likewise adopt these divisions as regions of souls.

Before this question was ever raised in any hostile spirit, the canonists had anticipated it as a matter of science. And they distinctly show that diocesan circumscription neither lays hold of the land, nor implies any authority that can be called territorial. I will first show from their expositions that a Diocese essentially consists in a flock of souls, and not in a tract of land; and next, that the boundary of a Diocese is but the circumscription of its spiritual flock.

I first select Van Espen as an authority, because, with all his learning and ability, his habit inclines him to the side of the State, rather than to that of the Church, whenever he can do so; so he is an unprejudiced witness in this case. He says: 'Looking at the discipline of the Church from the primitive ages, and as it is preserved to this day, Bishops at their ordination are appointed each to his respective

Church or Diocese in which he actually labours, and fulfils his ministry according to the well-known saying of St. Cyprian, "to the several pastors a portion of the flock is assigned, which each one rules and governs." And then he quotes the Apostolic Canons, that earliest code of the Church, the 38th of which says, that he is the Bishop 'to whose faith the people is confided, the account of whose souls will be exacted from him.' And again he quotes the 24th Canon of Antioch, which would have the affairs of the Church within the power of the Bishop, 'to whom all the people is confided, and the souls of them who assemble in the Church.'\*

Pope Benedict XIV. may next be listened to, both as the greatest of canonists, and as a thorough and indisputable representative of the Roman doctrine. He says with scientific precision, that ordinary episcopal jurisdiction is 'power over the clergy and people within specified limits.' And again he says that it is power over the flock spread over the land.†

To quote another Roman canonist of the highest authority, Fagnanus says that ecclesiastical jurisdiction 'ought to be certain with respect to territory, otherwise it would be vague, uncertain, and the Bishop would not know to what persons it extended.' Then he explains that 'ordinary jurisdiction ought to hold to the territory in so far as to circumscribe its boundaries, and show where it begins and ends—*et ab illius finibus circumscribitur, et terminatur.*' Not satisfied

\* Van Espen, *Jus Ecclesiasticum*, pars i. cap. vii.

† Benedict XIV., *De Synod. Diœcesan. and Bullarium*, vol. ii. Constit. xxxiii.



with this definition, and as if anticipating the very objection we have to deal with, he goes on to show that it does not lay hold of the land, but that it rises above the land, although correlative with it, and this he does by a singular illustration. He says: '*Est supra territorium prout nebula supra paludem, et sic se extendit jurisdictio per modum mensuræ territorii, sicut nebula per modum mensuræ paludis: et restringitur ad Diocesim et ad subditos.* Jurisdiction is above the territory as a cloud is above a marsh, and it extends in its mode of measurement over the territory as the cloud extends itself in its mode of measurement over the marsh: it is confined to the Diocese and to the subjects within it.'\*

But, as Benedict XIV. observes, extending over souls, it must of necessity reach the whole man. And then there are the temporal accessories of spiritual things, which, being consecrated to God's service, assume a spiritual character—such as the churches and their appurtenances, and the offerings of the faithful for maintaining the clergy and the Divine worship, of which the Bishop is the visitor, and over which he watches. This is universally understood, and no one imagines that this spiritual power interferes with the rights of the State, or that it is a usurpation of territorial authority.

The Holy Council of Trent explains the whole reason for dividing the Church into Dioceses in these terms: 'Most justly are Dioceses distinguished one from another, that the several flocks may each have

\* Fagnanus in I. Lib. Decret. de Offic. Jud. Ordinarii, cap. i.



their own designated pastors, every one of whom hath care of his own sheep; so that ecclesiastical order may not suffer confusion, and that one and the same church may not belong in any manner to two Dioceses, to the grave inconvenience of that church.\* This decisive authority shows plainly that it is the souls and the churches, not the territory itself, that is contemplated in the division of Dioceses. When, therefore, eminent canonists like Barbosa define a Diocese from the terms of the *corpus juris* as a city and territory where there is a Bishop and an Episcopacy, they speak of the city and territory solely in this sense, as a circumscription of churches and their congregations. Thus Barbosa, after giving this definition, goes on to show that Dioceses have no necessary coincidence with political, civil, or temporal circumscriptions; and he argues this from the text of the Canon Law, proving from its authority—1, that a city does not necessarily imply a Bishop; 2, that its boundaries are not to be changed because the temporal or civil boundaries have undergone change, or have passed in part or whole under a different sovereignty; 3, that hence ‘episcopal Dioceses are not distinguished one from another by the circumscriptions of the civil power.’†

Protestant authorities of celebrity agree with our Catholic canonists. For example, the learned Hooker says: ‘Nor was this order of Bishops peculiar to some few Churches, but the whole world universally became subject thereunto; insomuch as they did not account it to be a Church which was not subject unto

\* Con. Trid. sess. xiv. cap. viii. De Reformat.

† Barbosa, De Offic. et Potest. Episcopi, p. i. tit. i. c. vii.

a Bishop. It was the general received persuasion of the ancient Christian world, that *Ecclesia est in Episcopo*—the outward being of a Church consisteth in the having of a Bishop.\* And again especially to our point: 'The Church where the Bishop is set with his College of Presbyters about him we call a *See*; the local compass of his authority we term a *Diocese*. Unto a Bishop within the compass of his own both *See* and *Diocese*, it hath by right of his place evermore appertained to ordain presbyters, to make deacons, and with judgment to dispose of all things of weight.†

Bingham, again, shows that the episcopal authority extended over the persons 'of whatever ranks or quality soever within the *Diocese*, or the bounds and limits of their jurisdiction.' 'And Cyprian,' he observes, 'defines the Church (that is, the *Diocese*) to be a people united to its Bishop, a flock adhering to its pastor. Whence the Church may be said to be in the Bishop, and the Bishop in the Church; and if any are not with their Bishop, they are not in the Church.‡ And he notices, that although commonly in her divisions of *Provinces* and *Dioceses* the Church followed the civil distinctions, yet this was not always the case, and 'the Church was at liberty to follow the model and divisions of the civil State or not, as she judged most expedient for herself.' And again he says, that, 'in those things wherein she followed

\* Hooker's *Ecclesiastical Polity*, book vii. chap. v.

† Ibid. book vii. chap. viii.

‡ Bingham's *Antiquities of the Christian Church*, book ii. chap. v. sec. i.

the civil form, her liberty seems to have been preserved both by the laws of Church and State; and nothing of this nature was forced upon her, but as she thought fit to order it in her own wisdom and discretion.\*

From all this evidence, which might be multiplied to any extent, the truth clearly flows, that episcopal or diocesan jurisdiction is not territorial in the civilian sense of the term, lays not hold of the land, interferes not with civil rights or authority, but is a spiritual authority over persons and churches within a certain compass or limit, over those, in fact, who, as St. Cyprian says, 'adhere to the Bishop.'

Our last question is, what is an episcopal title? It will contribute to clearness of definition if we first say what it is not. It is not a title of temporal dignity or honour derived from the royal prerogative. And hence, as Sir George Bowyer had noticed in a pamphlet, it is neither mentioned by Cruise *On Dignities*, nor by Selden in his celebrated *Titles of Honour*. It is not in itself a baronial title, for example, although it was so with the old Catholic Bishops of England, and is so still with Anglican Bishops. But that arose from their holding feudal tenures, or from the temporal position conceded by the temporal Sovereignty. As a title held of the Church, and as we hold it, it is nothing of the kind. It is not a title held of the land, nor is it held of any town or city, although it involve the name of some town or city. For the title is not the title of the

\* Bingham's *Antiquities of the Christian Church*, book ix. chap. i. sec. viii.

town or of the city, but of a church situated within that town or city, and taking its name from the town or city. It is altogether erroneous to suppose that a Bishop of the Catholic Church takes his title from the town or city; for he takes the name of a church, and of a particular church, of course a church of his own Communion, and that the cathedral church, where his episcopal chair is placed. For the See is the *Sedes*, the seat or chair of the Bishop. And before a See was ever recognised by the civil power, St. Ignatius the Martyr called it 'the Throne of the Bishop.' 'The episcopal See that is the cathedral church,' says Ferraris;\* and the Council of Trent, whenever it treats of the appointment of Bishops, as it does in half a dozen decrees, invariably using the same terms, speaks of 'the promotion of Bishops to cathedral churches,' never to towns or cities.

Hooker puts it clearly: 'To note,' he says, 'a difference of that one church where the Bishop hath his seat, and the rest which depend upon it, that one hath usually been termed *cathedral*, according to the same sense wherein Ignatius, speaking of the church of Antioch, termeth it a Throne; and Cyprian making mention of Evaristus, who had been Bishop and was deposed, termeth him *cathedræ extorrem*, one that was thrust beside his chair. The church where the Bishop is set with his college of presbyters about him we call a *See*.'†

When before the Parliamentary Committee of 1867 on the Ecclesiastical Titles Act, I twice proffered

\* Ferraris, *Bibliotheca*, art. De Sede vacante.

† *Ecclesiastical Polity*, book vii. chap. viii. sec. iii.

the inspection of the Papal Brief of my appointment, for the purpose of showing that it did not appoint me to any territory, or town, or city, but to a particular church, designated the Birmingham Church; but though they had asked a former witness if they could not have sight of such a document, the members of the committee shrank from taking hold of or inspecting this Brief. The terms employed in Briefs appointing Sees are uniform, the same throughout the whole Catholic Church. They appoint *Ecclesiæ Parisiensi*, or *Cliftonensi*, or *Birminghamiensi*—to the Paris Church, to the Clifton Church, or to the Birmingham Church; and the title is *Archiepiscopus Ecclesiæ Parisiensis*, *Episcopus Ecclesiæ Cliftonensis*, or more shortly, and as signed in official documents or in subscribing Councils, *Archiepiscopus Parisiensis*, *Episcopus Cliftonensis*—the Parisian Archbishop, the Clifton Bishop; and in this form the names were called in the Vatican Council. The other churches are dependent on the cathedral church, and so fall under the jurisdiction of him who holds in that church his seat of episcopal authority.

Need we say more to show that Catholic episcopal titles are not what they are popularly imagined to be—not territorial, not interfering with civil claims or jurisdiction?

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## CHAPTER VII.

## THE ECCLESIASTICAL TITLES ACT.

I WILL not depict that delirious excitement into which the crafty writings of a certain newspaper, and the intemperate letter of a certain statesman, threw the minds of many of our countrymen during the six months that followed the promulgation of our Hierarchy. Let that distressing nightmare of the imagination, which for a while cramped the good sense of so many Englishmen, be forgotten. Let me rather recall to mind those many intelligent men who kept their reason unclouded, and in Parliament, in their public writings, or, beginning in the Town Hall of Birmingham, in their speeches at public assemblies, arrested the hostile movement, and turned back the tide of feeling into the legitimate paths of justice and right reason. Yet history demands the recalling of some of the facts that deserve a lasting remembrance.

This narrative has shown that it was from no pre-conceived plan that the dignity of the cardinalate was joined with that of archbishop in the appointment of our first ecclesiastical superior; yet the combination of the two was made great use of for the purpose of working upon the imagination of our countrymen. The Cardinal Archbishop wrote his Pastoral letter to his own flock, whilst yet in Rome, with the certainty that they would understand the limits of its sense and intention, but never dreaming that, encircled with hostile comments, and exhibited through the medium



of a false and exaggerated construction, it would be issued through the daily press into every household in England. So far was Cardinal Wiseman from imagining that he was likely to give any offence to England, to its Government, or to its people, that it was under his inspiration that the letter was addressed from the English College at Rome to the *Times*, which first made known the establishment of the Catholic Hierarchy and his own appointment as Cardinal Archbishop; and as the Cardinal, at a later period, told me, the authorities of Printing-House-square kept that communication in reserve for some days, deliberating what use it could be turned to before they decided to make out of it ecclesiastical capital for the Established Church, then troubled by the inroads of Puseyism and the recent conversions to Catholicism, as well as 'political capital,' to use their own words, for any statesman who would take it up, and a source of revenue for themselves.

Not only did that letter to the *Times* prove the complete simplicity of the Cardinal's mind, and the absence of every notion of offence, but, on his way to England, he gave proof of this in a letter addressed from Vienna to the Prime Minister, written after the first rumours of the agitation raised in England had reached him. This letter will remain a lasting monument of the spirit with which he was animated. As the latter portion of it only was quoted in his *Appeal to the English People*, I here give it in its integrity. But I must first explain, that prior to the Cardinal's departure for Rome he had an interview with Lord John Russell, in which, among other things, he men-

tioned his contemplated elevation to the purple, and the intention expressed by his Holiness of retaining him at Rome. The interview was cordial on both sides. The letter is as follows :

‘Vienna, Nov. 3, 1857.

‘MY DEAR LORD,—It was my intention before leaving Rome to write to your lordship, as I had promised, respecting the feelings of the Holy See on the subject of a minister from England, to be sent on a special mission. I was prevented from doing so, principally by the circumstance that my last interview with Cardinal Antonelli on the subject took place only the day before my departure. He assured me, as he had done before, that while the Pope would be happy to receive any minister from England for the special purpose alluded to by your lordship, it would be impossible for the Court of Rome to accept a resident envoy while the law regulating diplomatic intercourse between it and England remained in its present condition.

‘I take this opportunity of further alluding to my interview with your lordship in August last, as I feel it due to myself to guard myself against a possible imputation or suspicion that might arise in consequence of what passed at it. I spoke to your lordship as about to leave England without intention of returning, and it may possibly be insinuated now that such was not the case. I beg, therefore, to assure your lordship that I was most sincere when I spoke of my departure as final, with no idea that I should return. I am anxious that no impression should re-

main on your lordship's mind that I had the slightest intention to deceive you.

'I cannot but deeply regret the erroneous and even distorted view which the English papers have presented of what the Holy See has done in regard to the spiritual government of the Catholics of England; but I take the liberty of stating that the measure now promulgated was not only prepared, but printed three years ago, and a copy of it was shown to Lord Minto by the Pope on occasion of an audience given to his lordship by his Holiness. I have no right to intrude upon your lordship further in this matter, beyond offering to give any explanation that your lordship may desire, in full confidence that it will be in my power to remove particularly the offensive interpretation put upon the late act of the Holy See—that it was suggested by political views, or by any hostile feelings.

'And with regard to myself, I beg to add, that I am invested with a purely ecclesiastical dignity; that I have no secular or temporal delegation whatever; that my duties will be what they have ever been, to promote the morality of those committed to my charge, especially the masses of our poor; and to keep up those feelings of good-will and friendly intercommunion between Catholics and their fellow-countrymen, which I flatter myself I have been the means of somewhat improving. I am confident that time will soon show what a temporary excitement may conceal—that social and public advantages must result from taking the Catholics of England out of that singular and necessarily temporary state of government in which

they have been placed, and extending to them that ordinary and more definite form which is normal to their Church, and which has already been so beneficially bestowed upon almost every colony of the British Empire.

‘I beg to apologise for intruding at such length upon your lordship’s attention; but I have been encouraged to do so by the uniform kindness and courtesy which I have always met with from every member of her Majesty’s Government with whom I have had occasion to treat, and from your lordship in particular, and by a sincere desire that such friendly communication should not be interrupted.

‘I have the honour to be, my lord, your Lordship’s obedient servant,

‘N. CARDINAL WISEMAN.

‘*The Right Hon. the Lord John Russell,  
First Lord of the Treasury, &c.*’

The above communication was penned the day before the noble Lord to whom it was addressed wrote his celebrated letter to the Bishop of Durham. The Cardinal’s first steps after arriving in England are described by Sir George Bowyer in his *Secret History of the Creation of the Catholic Hierarchy*; and as I heard the substance of what he stated at the time, as well from the learned Baronet as from the Cardinal, I shall here repeat the passage. ‘Cardinal Wiseman,’ he says, ‘arrived in England at a very early hour in the morning; and I was sent for. After much conversation, in the course of which the Cardinal lamented the misunderstanding and misrepre-

sentations which had misled public opinion, he requested me to make the necessary explanations to her Majesty's Government on his part. By the advice of Mr. Charles Greville I went to Lord Lansdowne, then Lord President of the Council. I found the noble Lord deeply distressed at the state of things in the country. He assured me that Lord John Russell had published the Durham letter without communication with his colleagues, and that he (Lord Lansdowne) deeply regretted it. . . . I had three or four long interviews with Lord Lansdowne, and I believe the explanations which I offered were so far held satisfactory that the noble Lord was convinced that the conduct of Cardinal Wiseman had been perfectly fair and honest, and that there was not the slightest idea of aggression or of doing anything offensive to public opinion in this country. The noble Lord repeatedly lamented the direction which public opinion had taken. He felt that there was an *enormous misunderstanding*. He saw that the utmost anxiety had been manifested at Rome to comply with and respect the existing law of England. But the torrent of popular feeling and prejudice could not be kept within limits, nor calmed sufficiently for reflection and future retractation, except by some measure like the Ecclesiastical Titles Act.'

To the Cardinals of Propaganda I had given the strongest assurances that by the titles taken no English law would be violated. In this I was proved correct, and that by the Prime Minister himself, who, in his speech on introducing the Titles Bill into the Commons on February 7th, 1851, expressed himself



in the following terms: 'The first step the Government took upon having their attention drawn to these Letters Apostolic was to ask the law-officers of the Crown whether they came under any known law, and what, in their opinion, would be the effect of a prosecution against those who had introduced these Letters into this country? The opinion which was given by the law-officers to the Government was to the effect (without quoting the words) that with regard to the assumption of the particular titles assumed, and with reference to the present state of the law and the existing statutes, they did not think that either by the common law or the statute law, that assumption of those titles was illegal, or that those persons who assumed them could be prosecuted with effect.' The assuming of these spiritual titles, then, was no aggression on the laws of England; to construct them into an aggression it became necessary to pass a statute after the fact.

I shall make but two remarks on this disgraceful piece of legislation, void as it was of a condition that is indispensable to give validity to law in a Christian country, namely, that it shall not conflict with the law of God, or with the freedom of the Christian conscience. My first remark is, that the Ecclesiastical Titles Act originated in an avowed outbreak of personal temper. In the Durham letter, the Prime Minister said: 'I feel as indignant as you can be;' and again, 'I confess that my alarm is not equal to my indignation.' The second is, that the chief ground of the attack upon us was the fear entertained of a party within the Anglican Church itself. This plainly



appears from the terms of the Durham letter. Its author says: 'There is a danger, however, which alarms me much more than any aggression of a foreign Sovereign. Clergymen of our own Church, who have subscribed the Thirty-nine Articles, and acknowledged in explicit terms the Queen's supremacy, have been the most forward in leading their flocks step by step to the very verge of the precipice. The honour paid to Saints, the claim of infallibility for the Church, the superstitious use of the sign of the Cross, the muttering of the Liturgy so as to disguise the language in which it is written, the recommendation of auricular confession, and the administration of penance and absolution—all these things are pointed out by clergymen of the Church of England as worthy of adoption, and are now openly reprehended by the Bishop of London in his charge to the clergy of his diocese. What, then, is the danger to be apprehended from a foreign prince of no great power, compared to the danger within the gates from unworthy sons of the Church of England herself? I have little hope that the propounders and framers of these innovations will desist from their insidious course.' And it is fair to state that to these members of his own Church, and not to us, the Minister of State directly refers, when he appeals to 'the great mass of a nation which looks with contempt on the mummeries of superstition, and with scorn at the laborious endeavours which are now making to confine the intellect and enslave the soul.'

The most unjust provision of the Titles Act was that which included the Irish Catholic Bishops

within the scope of its penalties. They had no act or part in the establishing of our Hierarchy. They had held their titles in unbroken descent from the time of St. Patrick. Long left free in the use of them, they could not be said to have assumed what they had inherited for long ages, even before the time that Protestantism had existed. They had been described by their titles in an Act of Parliament, and in Court gazettes; and it had been directed by Ministers of State that they should be officially addressed in terms of honour and courtesy, and yet they were recklessly included in the Titles Act.

Curious as well as instructive is it to trace the vagaries of English legislation on Catholic episcopal titles. And until we reach the Titles Act, I have an excellent guide on the subject in the late Mr. Justice Shée.\* So long as a Parliament sat in Dublin, the legislation affecting Irish Bishops differed from that provided for English Bishops. After the Revolution, the statute of William III. in the Irish Parliament enacted that all 'Popish' Bishops or Archbishops should be transported out of the kingdom, and that those who returned should be guilty of treason, and suffer the death of traitors. Yet, whilst this statute was still in force, upon an Act of the 2d of Queen Anne 'for registering the Popish clergy,' the Catholic Prelates were described in the register by the titles of their ancient Sees. Thus Dr. Plunkett is registered as 'Primate and Popish Archbishop of

\* See his speech at the Freemasons' Hall of March 8th, 1851, printed in Gilbert's *Documents on the Catholic Question*.

Armagh,' and Dr. Burke as 'Popish Bishop of Elphin,' &c. The Act of William III. remained in force in Ireland from 1698 to 1781; when finding that after a hundred years, however great the penalties, it was impossible to extirpate the Archbishops and Bishops of Ireland, an Act of George III. took away the penalties, on condition that the Archbishops and Bishops should not call themselves so, and provided that they took an oath that no foreign prelate, prince, or potentate hath any temporal jurisdiction in this realm. This Act left it free for others than themselves to designate the Prelates of Ireland by their titles; whilst it left them also free to maintain the Pope's spiritual supremacy without hindrance from the laws. And notwithstanding the prohibition, eleven years after the law had passed, an address was presented to the same George III., from delegates from every county in Ireland, in which appear the signatures of 'John Thomas Troy, Roman Catholic Archbishop of Dublin,' and of 'H. Moylan, Roman Catholic Bishop of Cork.' At this time Mr. Pitt, Mr. Dundas, Lord Thurlow, and Sir John Scott were Ministers of State, and knew what they were about, yet the address was received.

In England, after the Revolution, a milder Act was passed in the 11th and 12th of William III., which made 'Popish' Archbishops and Bishops liable to perpetual imprisonment. This Act continued until the statutes of the 18th of George III. and the 31st of George III., which permitted English Catholic Bishops to exercise their functions 'upon conditions;' the conditions being copied word for word from the

Irish Act, except the one prohibiting the assumption of ecclesiastical rank or titles, which was struck out. And thus, from 1790 until 1829, the date of the Emancipation Act, it was quite legal for Catholic Bishops to take any titles in England, whilst it was illegal for Bishops to do so in Ireland. During that period, English Bishops could even have taken titles identical with those held in the Establishment.

Then came the Catholic Relief Act, known as the Emancipation Act of 1829. It was a curious feature in this relief or emancipation, that whilst it enabled lay Catholics to enter Parliament, it took from their Bishops the right of using the titles of the ancient Catholic Churches. However, it set the Irish Prelates free to use titles not held by Protestants, that is to say, it set them legally free to use any titles except those which they had always held, and still continue to hold; whilst it equally tied up the freedom of English Catholic Prelates with respect to titles held by Protestants, leaving them still free to adopt any other titles whatever. The Church Temporalities Act of 1831 suppressed ten Protestant Sees in Ireland, and so made it lawful for Catholics to use these titles. And thus from 1832 to 1851 Dr. M'Hale, for example, held his title lawfully—I speak of statute law—as Archbishop of Tuam, whilst Dr. Murray did not hold his title lawfully as Archbishop of Dublin. And yet between the one date and the other, Dr. Murray was described by his title in an Act of Parliament called the Cemetery Act. In the same interval another Act was passed on which Mr. Serjeant Shce shall speak; he says, 'An Act entitled the Charitable Bequests

Act, 7 and 8 Victoria, c. 97, was introduced by the Government, and passed. It appointed a Board of Commissioners, ten of whom were nominated by the Crown, five Protestants and five Catholics, who, with three Judges of the Irish Courts of Equity, were to be trustees of any property which might be bequeathed or conveyed to them in trust for any Catholic Archbishop or Bishop exercising pastoral superintendence in any district, and for his successors. It would be found impossible to carry that Act into operation consistently with the enacting clause of this Bill [the Titles Act]. The Commissioners cannot know who the successor of a Catholic Bishop is, without looking at the Papal Bull by which he is appointed, and in which he is described as a Bishop of his Province or See. To save the consciences of the Protestant Commissioners who have taken the oath of supremacy, it is, indeed, provided that the duty of actually looking on and fingering the Papal Bull shall be performed by the Catholic Commissioners; but the Protestant Commissioners are, on their report, bound to "put in ure." The Protestant Primate of Ireland and the Protestant Primate of all Ireland must, as Commissioners, should any property be bequeathed to them in trust for the new Catholic Bishop of Ross, "put in ure" the Bull conferring on him that title.'

Of the Ecclesiastical Titles Act itself, passed in 1851, this was the curious result: it prohibited the local use of all episcopal titles whatsoever, except those of the Established Church and those of the Episcopalians of Scotland. Yet through the suppression of the Irish Established Church, its practical effect has



been to render the titles of the Protestant Bishops of Ireland as illegal as those of the Catholics.

The statutes above enumerated have but continued in forms that have grown milder by degrees that spirit of ruthless legislation against freedom of conscience that began with Queen Elizabeth. Their object throughout has been to protect the assertion of the Royal Supremacy in spirituals over all the subjects of the Crown. The Ecclesiastical Titles Act is the last lineal descendant from the penal enactments of that cruel reign. By the statutes of Elizabeth, often enforced, and executed even in the reigns of the first Georges, it was made high treason to refuse a second time the oath of supremacy; to defend a second time the supremacy of the Pope; to obtain a Bull from Rome; to reconcile any one to the Catholic Church; to be ordained a priest abroad; to appear as a priest in England; to harbour or to assist a priest; and the punishment, often inflicted to the letter, for these statute-made crimes—for this fidelity to conscience—for this adhesion to a faith which had been that of all Englishmen for a thousand years—was hanging by the neck, quartering whilst the victim was yet alive, and between these two parts of the cruel tragedy a brutal infliction which cannot be named, but which seems to have been borrowed from the Turks. Such was the legislation by which the ‘Virgin Queen’ and her successors asserted their claim of spiritual prerogative over their subjects. If any one would know what this led to in England, let him read Bishop Challoner’s *Memoirs of Missionary Priests*; if he would know what it brought about in



Ireland, let him read Major O'Reilly's *Memorials of those who suffered for the Catholic Faith in Ireland*.

We have to thank God that we have lived to see this oath of supremacy, for refusing which our fathers suffered losses, pains, and deaths beyond our powers of conception to realise, swept from the statute-book, and what is more, even from the ritual for the ordination of Anglican clergymen. But still the evil odour of that Elizabethan legislation and its persecuting spirit lingers on in the Ecclesiastical Titles Act. The Bill before Parliament proposes to remove the penalty, but still to leave the illegality of Catholic episcopal titles. And if this part of the legislation is suffered to remain, it will still amount to outlawry against the exercise of the Catholic religion. For the whole *status* of the Catholic religion rests upon acts of its Bishops requiring the signature of their titles for their guarantees. Nothing else but those signatures can prove the ordination of the clergy, or can convey those faculties which enable them to preach, to officiate, to celebrate marriage, to execute dispensations, to act as chaplains in her Majesty's army, or in gaols, or in workhouses. A Bishop cannot give even a commendatory letter to priest or layman travelling abroad without that signature which the statute declares that he shall not use. I have not unfrequently given introductory letters to foreign Prelates and others in favour of English Protestant gentlemen travelling abroad, to their great comfort. I have given letters of a like description to a gentleman travelling over China on scientific pursuits, which, according to his testimony, were of essential service to

him. But these letters would have been useless without that signature which the legislation of my country continues to make it a crime to attach to any document.

The law has abolished the oath of supremacy; why, then, should it continue a legislation whose sole object from beginning to end has been to protect that oath?

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## CHAPTER VIII.

### THE FRUITS OF THE HIERARCHY.

AFTER their own affairs had been happily settled, the Bishops directed their first attention to the requirements of the reverend clergy. They met in London in November of the year 1851, and taking into consideration the actual condition and resources of our churches, the state of our clergy, and the requirements of ecclesiastical discipline, they discussed the question, how far the rights and privileges of the clergy could with prudence be extended at that time. And they agreed upon certain petitions to the Holy See, which are embodied in the Rescripts printed in the Appendix to our first Provincial Synod.

This first Provincial Synod of Westminster was held for greater convenience at St. Mary's College, Oscott, during the month of July 1852. There, for the first time since our overthrow at the Reformation, were the clergy united with their Bishops in the settlement of what regarded their common interests. For three hundred years had our local religious affairs been regulated, not in this country, or by those immediately concerned in them, but from a distance, and

by the Holy See. For hitherto the Catholics of England had been subject to the Pope, not only as Sovereign Pontiff, but as our immediate and sole Pastor, governing our spiritual affairs through his vicars. But now we possessed the normal right and common privilege of providing for our own ecclesiastical rule and regulation, subject to such revision only by the Holy See as might secure our acts from being contrary in any point to the common law of the Church. Here, then, were assembled the thirteen Bishops with their theologians, the delegates from the thirteen newly created chapters, the heads of the religious orders, the rectors of the ecclesiastical colleges, and the officials of the council. The sentiments of that moment will never be forgotten; for deep and soul-stirring as they were, they found their adequate expression in Dr. Newman's exquisite discourse, published under the title of the *Second Spring*. During its delivery Cardinal Wiseman, in the presidential chair, wept tears of consolation. The Bishops and clergy were nearly all in tears. And when the preacher came out from the Synod, they crowded upon him, giving full flow to the ardent outpourings of their gratitude. It was an indescribable scene; a scene so overpowering to the gentle preacher, that Dr. Manning rescued him from it, and quietly accompanied him to his room.

The Decrees of the Synod completed our organisation, and laid the foundations of our ecclesiastical discipline. The draughts of those Decrees had been drawn up by Cardinal Wiseman's pen, and after they had undergone their due modifications, resulting from prolonged and repeated discussions, he completed their

composition. The wisdom of retaining Cardinal Wiseman in England was never rendered more conspicuous than as exhibited in this first Provincial Council; and it may be safely said, that his presidency over the assembled fathers, and the Decrees that emanated from the Council, were his masterpiece. The drawing up of the Capitular Statutes was assigned to Bishop Grant and myself; but they were chiefly the work of Bishop Grant. A second Provincial Synod in 1855, and a third in 1859, completed our administrative and disciplinary regulations. Moreover, each Bishop assembled the body of his clergy from time to time in Diocesan Synods, as well for instruction on their personal and pastoral duties as to establish local regulations, and to carry out the provisions of the Provincial Councils.

Thus order arose, rights were adjusted, duties were defined, and light was communicated. The Bishops became better acquainted with the common law of the Church, that wonderful provision of administrative wisdom that has been the growth of so many centuries, and which from time to time the Church has adjusted to the changing exigences of human life. The introduction of rules and canons, such as were useful and available in a Church placed like ours in England, became a strong stay and comfort to the clergy, and a solid instruction as well. And one of the most precious results of this new state of things has been the cessation of those not unfrequent appeals on personal matters to Rome, which under the Vicars-Apostolic had been as painful to the clergy as to their spiritual superiors.

The more instructed of our laity, who had long been solicitous to witness the establishment of local Bishops and canonical organisation, found all their hopes realised in the greater order, vigour, and efficiency of the Church. Nor did the religious communities fail to reap of the fruits of the Hierarchy. For the normal state of discipline became everywhere the word of order and the inspiration of zeal. Emerging from their individual life as isolated missionaries, the Religious men aspired anew to recover their normal habits of life, and the doing their appointed work in communities. The communities of Religious women who had made a transition from the English houses established on the Continent during the French Revolution, from the provisional contrivances they were put to to gain a footing in their native country, had of necessity suffered more or less relaxation of observance. But they also were awakened to return to the complete spirit and exact letter of the rules of their holy founders.

The episcopal visitations, which under the Vicars-Apostolic had been both rare and of a mere cursory and informal character, were now carried out in that complete and searching manner which the Church prescribes and requires. On these solemn visits the laity have full, free, and private, as well as public, access to the Bishop, and can lay before him whatever they conceive to be conducive to the well-being of the Church and the good of religion.

One thing alone remains to be done, that in all important respects our hierarchical arrangements may reach their completion. To this our Provincial Synods



urge us, of this the Holy See ceases not to remind us, and to this we are tending; but to this, except in one instance, we have not yet come; and that is the establishment of Diocesan Seminaries. When the Catholics of England were prohibited by the Legislature, and that under the gravest penalties, from educating their children in Catholic schools, they established Colleges abroad, in which the clergy and the laity were educated together under one roof. This system most certainly contributed in no small degree to nourish and foster the spirit of union and good understanding between the laity and the clergy in their lifelong relations with each other; and being transferred to England with the establishments in which it had grown up, it has continued to our day. But what might be well done when we were a persecuted remnant fast clinging to our faith, and excluded, in a manner, from all society beyond that of our own Communion, may not be so well done now, and that for several reasons. It was then a necessity. It is now a necessity no longer: unless it be for a time, and on material considerations. It compels the working of two systems under one roof, and at the hands of one set of superiors. Thus their attention is divided, whereas each of these systems of training demands the whole man. It necessarily inclines to communicate a certain secular tone to the clerical candidates. It is in direct opposition to the provisions of the Council of Trent, which restored the ancient discipline, and by a solemn Decree broke off the mixed system that mingled aspirants to the sacred ministry with those destined for life in the world, and made a



distinct family of those who are destined for the care of souls, after the method of the earlier Church. Placed under chosen men, whose one object and exclusive duty is to form these young plants of the Sanctuary in character as well as in learning for the care of souls, this episcopal family of youthful levites are secured from all those influences that are apt to impede the growth of their vocation, and to check that spirit of exclusive devotion to God, to the Sanctuary, and to souls, which is the noblest attribute of a holy priesthood. It was the revival of this system in the establishment of purely ecclesiastical seminaries which the Fathers of Trent declared would renovate the Church, and it accomplished what they so fully anticipated that it would do. Even the Protestant Ranke devotes his pages to show that the system of seminaries had saved the Catholic Church.

It does not follow that the laity should in any degree be deprived of that education and solicitous care which they have hitherto received from ecclesiastical guides and teachers. On the contrary, the lay schools and colleges would go on as heretofore under clerical direction and instruction, only with this difference to their advantage, that where now they receive the chief attention, they will then receive the whole and exclusive attention of those who are placed over them; and thus the two systems, now united in one and the same college, by separation into different establishments, will be each rendered more perfect and efficient.



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